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ROMAN ANTIQUITIES.

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*Thomas Smith
1897*

ROMAN ANTIQUITIES;

OR,

A N A C C O U N T

O F

THE MANNERS AND CUSTOMS OF THE ROMANS;

RESPECTING THEIR

GOVERNMENT,
MAGISTRACY,
LAWS,
JUDICIAL PROCEEDINGS,
RELIGION,
GAMES,
MILITARY & NAVAL AFFAIRS,
DRESS,
EXERCISES,
BATHS,

MARRIAGES,
DIVORCES.
FUNERALS,
WEIGHTS & MEASURES,
COINS,
METHOD OF WRITING,
HOUSES,
GARDENS,
AGRICULTURE,
CARRIAGES,
PUBLIC BUILDINGS, &c. &c.

DESIGNED CHIEFLY

TO ILLUSTRATE THE LATIN CLASSICS.

BY ALEXANDER ADAM, LL. D.
RECTOR OF THE HIGH SCHOOL OF EDINBURGH.

EDINBURGH:

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and WILLIAM CREECH, *Edinburgh*.

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ROMAN ANTIQUITIES;



A N A C C O U N T

O F

THE MANNERS AND CUSTOMS OF THE
ROMANS;

Illustrated with
Engravings
of the
Monuments
and
Remains
of the
Romans
in
Great
Britain
and
Ireland
by
J. G. Nichols

Continued
by
J. G. Nichols
in
his
History
of the
Romans
in
Great
Britain
and
Ireland
by
J. G. Nichols

THE SECOND EDITION
OF THE
ROMAN ANTIQUITIES

BY
ALEXANDER ADAM, ESQ.
F.R.S.E. &c.

Printed by A. Strahan, and
W. Johnston, Edinburgh.

P R E F A C E.

NOTHING has more engaged the attention of literary men since the revival of learning, than to trace, from ancient monuments, the institutions and laws, the religion, the manners and customs of the Romans, under the general name of *Roman Antiquities*. This branch of knowledge is not only curious in itself, but absolutely necessary for understanding the classics, and for reading with advantage the history of that celebrated people. It is particularly requisite for such as prosecute the study of the Civil law.

Scarcely on any subject have more books been written, and many of them by persons of distinguished abilities. But they are, for the most part, too voluminous to be generally useful. Hence a number of abridgements have been published; of which those of Kennet and Nieuport are esteemed the best. The latter is on the whole better adapted than the former, to illustrate the classics; but being written in Latin, and abounding with difficult phrases, is not fitted for the use of younger students. Besides, it contains nothing concerning the laws of the Romans, or the buildings of the city, which are justly reckoned among the most valuable parts in Kennet.

On these accounts, near twenty years ago, the

Compiler of the following pages thought of framing from both, chiefly from Nieuport, a *compendium* for his own use, with an intention to print it, if he should meet with no book on the subject to his mind. But he soon perceived, that on several important points, he could not derive from either the satisfaction he wished. He therefore had recourse to other sources of information; and chiefly to the classics themselves. To enumerate the various authors he has consulted, would be tedious and useless. It is sufficient to say, that he has borrowed with freedom, from all hands, whatever he judged fit for his purpose. He has been chiefly indebted to *Manutius*, *Brissonus*, and *Middleton*, on the senate; to *Pignorius*, on slaves; to *Sigonius* and *Grucchi*, *Manutius*, *Huber*, *Gravina*, *Merula*, and *Heinnecius*, on the assemblies of the people, the rights of citizens, the laws and judicial proceedings; to *Lipsius*, on the magistrates, the art of war, shews of the circus and gladiators; to *Sheffer*, on naval affairs and carriages; to *Ferrarius*, on the Roman dress; to *Kirchmannus*, on funerals; to *Arbutnot*, on coins; to *Dickson*, on agriculture; to *Donatus*, on the city: to *Turnebius*, *Abrahamus*, *Rosinus*, *Salmasius*, *Hottomomannus*, *Gravius* and *Gronovius*, *Montfaucon*, *Pitiscus*, *Ernesti*, and particularly *Gesner*, in different parts of the work.

After making considerable progress in this undertaking, the Compiler found the execution so difficult, that he would have willingly dropt it, could he have found any thing on the subject to answer his views. Accordingly when Mr Lempriere did him the favour to communicate his design of publishing that useful work, the *Classical Dictionary*, he used the freedom to suggest to him
the

the propriety of intermingling with his plan a description of Roman Antiquities. But being informed by that Gentleman, that this was impracticable, and meeting with no book which joined the explanation of words and things together, he resolved to execute his original intention. It is now above three years since he began printing. This delay has been occasioned partly by the difficulty of the work, and making various alterations and additions; partly also by a solicitude to receive the remarks of some gentlemen of learning and taste, on whose judgement he could rely, who have been so obliging as to read over, with critical attention, the sheets as they were printed.

After finishing what relates to the laws and judicial proceedings, the Compiler proposed publishing that part by itself, with a kind of *syllabus* of the other parts subjoined; that he might have leisure to reprint, with improvements, a summary of geography and history, which he composed a few years ago for the use of his scholars. But after giving an account of the deities and religious rites in this cursory manner, and without quoting authorities, he was induced, by the advice of friends, to relinquish that design, and to postpone other objects, till he should bring the present performance to a conclusion. Although he has all along studied brevity, as much as a regard to perspicuity would admit, the book has swelled to a much greater size than at first he imagined; otherwise it should have been printed in a different form.

The labour he has undergone, can be conceived by those only who have been conversant in such studies. But he will think his pains well bestowed, if his work answer the end intended, to facilitate the acquisition of classical learning. He has

done every thing in his power to render it useful. He has endeavoured to give a just view of the constitution of the Roman government, and to point out the principal causes of the various changes which it underwent. This part, it is hoped, will be found calculated to impress on the minds of youth just sentiments of government in general, by shewing on the one hand the pernicious effects of aristocratic domination; and on the other, the still more hurtful consequences of democratical licentiousness, and oligarchic tyranny.

But it is needless to point out what has been attempted in particular parts; as it has been the Compiler's great aim throughout the whole to convey as much useful information as possible, within the limits he has prescribed to himself. Although very few things are advanced without classical authority, yet in so extensive a field, and amidst such diversity of opinions, he no doubt may have fallen into mistakes. These he shall esteem it the highest favour to have pointed out to him; and he earnestly entreats the assistance of the encouragers of learning, to enable him to render his work more useful. He has submitted his plan to the best judges, and it has uniformly met with their approbation.

It may perhaps be thought, that in some places he has quoted too many authorities. But he is confident no one will think so, who takes the trouble to examine them. This he esteems the most valuable part of the book. It has at least been the most laborious. A work of this kind, he imagines, if properly executed, might be made to serve as a *key* to all the classics, and in some degree supersede the use of large annotations and commentaries

commentaries on the different authors; which, when the same customs are alluded to, will generally be found to contain little else than a repetition of the same things.

The authors are quoted according to the best editions; Cæsar, according to Clarke's edition; but perhaps in some passages according to that in *usum Delphini*, which most writers have followed.

As the work is not divided into books and chapters, the table of Contents, it is hoped, will supply that deficiency.

The Compiler has now in a great measure completed, what above twenty years ago, he conceived to be wanting in the common plan of education in this country. His first attempt was to connect the study of Latin grammar with that of the English; which was approved of by some of the first literary characters then in the kingdom. It is sufficient to mention Mr Harris and Dr Lowth. He has since contrived, by a new but natural arrangement, to include in the same book a vocabulary, not only of the simple and primitive words in the Latin tongue, but also of the most common derivatives and compounds, with an explanation of phrases and of tropes. His next attempt was to join the knowledge of ancient and modern geography and the principles of history with the study of the classics. And now he has endeavoured to explain difficult words and phrases in the Roman authors, from the customs to which they refer. How far he has succeeded in the execution, he must leave others to judge. He can only say, that what he has written, has proceeded from the purest desire to promote the improvement of youth; and that

he should never have thought of troubling the world with his publications, if he could have found on any of the subjects he has treated, a book adapted to his purpose. He has attained his end, if he has put it in the power of the teacher to convey instruction with more ease, and in a shorter time; and of the learner, to procure with greater facility, instruction for himself. He has laboured long in the education of youth, and wished to shew himself not unworthy of the confidence reposed in him by the public. His chief enjoyment in life has arisen from the acquisition and communication of useful knowledge; and he can truly say with Seneca, *Si cum hac exceptione detur sapientia, ut illam inclusam teneam, nec enunciem, rejiciam*, Ep. 6.

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ROMAN ANTIQUITIES.

S U M M A R Y

OF

ROMAN ANTIQUITIES.

*The FOUNDATION of the City, and DIVISION
of its Inhabitants.*

ROME was built by Romulus, as it is commonly thought, 753 years before the birth of Christ. The foundations were first laid the 21st day of April, which was called *Palilia*, from Pales the goddess of shepherds, to whom it was consecrated, and was ever after held as a festival.

Romulus divided the people of Rome into three TRIBES; and each tribe into ten CURIÆ. The number of tribes was afterwards increased by degrees to thirty-five, and divided into country and city tribes, (*Rusticæ et Urbane.*) The number of the Curie always remained the same. Each Curia anciently had a chapel or temple for the performance of sacred rites. He who presided over one Curia was called CURIO (*quia sacra curabat*); he who presided over them all, CURIO MAXIMUS.

From each tribe Romulus chose 1000 foot soldiers, (whence *miles*, a soldier,) whose commander was called TRIBUNUS; and 100 horse. These formed the first Roman LEGION.

A From

The whole territory of Rome, then very small, was also divided into three parts, but not equal. One part was allotted for the services of religion, and for building temples; another, for the king's revenue, and the uses of the state; the third and most considerable part was divided into thirty portions, to answer to the thirty *Curiae*.

The people were divided into two ranks (*ordines*), PATRICIANS and PLEBEIANS; connected together as PATRONS and CLIENTS. In after times a third order was added, namely the EQUITES.

The SENATE.

1. The Institution and Number of the Senate.

The Senate was instituted by Romulus, to be a perpetual council of the Republic. (*Consilium reipublicæ sempiternum*. Cic. pro Sextio, 65.) It consisted at first only of 100. They were chosen from among the Patricians; according to Dionysius of Halicarnassus, l. ii. 12. three were nominated by each tribe, and three by each Curia. To these ninety-nine Romulus himself added one, who should have the care of the city in his absence. The Senators were called PATRES, either upon account of their age, or their paternal care of the state; certainly out of respect: and their offspring, PATRICII. (*Qui patrem ciere possent*, i. e. *ingenui*, Liv. x. 8. Festus). After the Sabines were assumed into the city, another 100 was chosen from them, by the suffrages of the *Curiae*. Dionys. But, according to Livy, there were only 100 Senators at the death of Romulus, and their number was increased by Tullus Hostilius after the destruction of Alba. i. 17. & 30. Tarquinius Priscus, the 5th king of Rome, added 100 more, who were called PATRES MINORUM GENTIUM. Those created by Romulus, were called PATRES MAJORUM GENTIUM, Tacit. Annal. xi. 25. and their posterity, *Patricii Majorum Gentium*. This number of 300 continued, with small variation, to the times of Sulla, who increased it; but how many he added, is uncertain. It appears there were at least above 400. Cic. ad Attic. i. 14.

In



In the time of Julius Cæsar, the number of Senators was encreased to 900, and after his death to above 1000; many worthless persons intruding themselves into the Senate; one of whom is called by Cicero self-chosen, (*lectus ipse a se*), Phil. xiii. 13. But Augustus reduced the number to 600, Suet. Aug. 35. Dio. liv.

Those who were chosen into the Senate by Brutus, after the expulsion of Tarquin the Proud, to supply the place of those whom that king had slain, were called CONSCRIPTI, i. e. persons written or enrolled together with the old Senators, who alone were properly styled *Patres*. Hence the custom of summoning to the Senate those who were *Patres*, and who were *Conscripti*; (*ita appellabant in novum Senatum lectos*, Liv.) Hence also the name *Patres Conscripti* (sc. *et*) was afterwards usually applied to all the Senators.

2. The chusing of Senators.

Persons were chosen into the Senate first by the kings, Liv. i. 8. xxx. 35. and after their expulsion by the consuls, Liv. ii. 1. and by the military tribunes, Festus; but from the year of the city 310, by the Censors: at first only from the Patricians, but afterwards also from the Plebeians; chiefly however from the *Equites*, whence that order was called *Seminarium Senatûs*. Liv. 42. 61.

Some think that the Senate was supplied from the annual magistrates, chosen by the people, all of whom had of course admittance into the Senate; but that their senatorial character was not esteemed complete, till they were enrolled by the censors at the next Lustrum, at which time also the most eminent private citizens were added to complete the number. See Middleton on the Roman Senate.

After the destruction at the battle of Cannæ, a Dictator was created for chusing the Senate. Liv. 23. 22. After the subversion of liberty, the Emperors conferred the dignity of a senator on whom they thought fit. Augustus created three men to chuse the Senate, and other three to review the *Equites*, in place of the censors. Suet. Aug. 37.

ROMAN ANTIQUITIES.

He whose name was first marked down in the censor books, was called *PRINCEPS SENATUS*, who used to be the person who had first been censor of those who were alive; (*ex iis, qui viverent, Censoriis*, Liv.) but after the year 544, the person whom the censors thought most worthy. Liv. 27. 11. This dignity, although it conferred no command or emolument, was esteemed the very highest, and was usually retained for life. It is called *PRINCIPATUS*; and hence afterwards the Emperor was named *Princeps*, which word properly denotes only rank, and not power.

In chusing Senators regard was had not only to their rank, but also to their age and fortune.

What was the age at which one might be chosen a Senator, (*ÆTAS SENATORIA*), is not sufficiently ascertained; although it appears that there was a certain age requisite. Cic. de lege Manil. 21.; Tacit. Ann. xv. 28. Anciently Senators seem to have been men advanced in years, as their name imports, Sall. Cat. 6.; Cic. de Sen. 6.; Ovid. Fast. v. 63.; Flor. i. 15. But in after times the case was otherwise. It seems probable, however, that the age required for a Senator was not below thirty; from certain laws given to foreign nations, at different times, in imitation of the Romans. Cic. in Ver. ii. 49.; Plin. ad Traj. Ep. x. 83. For there is no positive assertion in the classics about this matter.

The first civil office which gave one admission into the Senate was the Quæstorship, which some have imagined might be enjoyed at twenty-five, and consequently that one might then be chosen a Senator; from Dio Cassius, l. 52. Others think at twenty-seven, from Polybius, l. 6. c. 17. who says, that the Romans were obliged to serve ten years in the army, before they could pretend to any civil magistracy; and as the military age was seventeen, of consequence that one might be made quæstor at twenty-seven. But few obtained that office so early; and Cicero, who often boasts that he had acquired all the honours of the city, without a repulse in any, and each in his proper year, (*suo anno*), or as soon as he could pretend to it by law, had passed through his thirtieth year before he obtained

tained the quæstorship, which he administered the year following in Sicily. So that the usual age of enjoying the quæstorship, (*ætas quæstorica*), and of course of being chosen a Senator, in the time of Cicero, seems to have been thirty-one.

But although one had enjoyed the quæstorship, he did not on that account become a Senator, unless he was chosen into that order by the censors. But he had ever after the right of coming into the Senate, and of giving his opinion on any question. Cic. in Verr. v. 14. Ep. ad Fam. ii. 7. About this, however, writers are not agreed. It is at least certain, that there were some offices which gave persons a legal title to be chosen into the Senate, (*unde in Senatum legi deberent*), Liv. 22. 49. Hence perhaps the Senators are sometimes said to have been chosen by the people. Liv. 4. 4.; Cic. pro Sext. 65. And Cicero often in his orations declares, that he owed his seat in the Senate, as well as his other honours, to the favour of the people. Post. red. in Senat. 1. He asserts the same thing in general terms; In Verr. iv. 11. pro Cluent. 56.

No one could be chosen into the Senate who had exercised a low trade, nor the sons of freed men: but this regulation also was violated by Ap. Claudius the censor. (Liv. 9. c. ult.; Suet. Claud. 24.) who chose the sons of freed men, (*libertinorum filios*), into the Senate. But this choice was not held valid. Liv. 49. 46. and was annulled by the next consuls.

In the year of Rome 535, a law was made, that no Senator, or father of a Senator, should keep a bark above the burden of 300 amphoræ, or eight tons; for this was reckoned sufficient to carry their grain from their farms, and it seemed below a Senator to reap advantage by merchandise. Liv. 21. 63.; Cic. in Ver. v. 18.

Anciently no regard seems to have been paid to the fortune (*CENSUS*) of a Senator, and when it was first fixed does not appear. But in the flourishing state of the republic, as we learn from Sueton, it behoved every Senator to have at least eight hundred *sestertia*, which are computed to amount to between six and seven thousand pounds of

our money; not annually, but for their whole fortune. Augustus raised it to 1200 H. S. and supplied the deficiency to those who had not that sum. Suet. Aug. 41.

Every lustrum, i. e. at the end of every fifth year, the Senate was reviewed by one of the censors; and if any one by his behaviour had rendered himself unworthy of that high rank, or had sunk his fortune below that of a Senator, his name was passed over by the censor in reading the roll of Senators; and thus he was held to be excluded from the Senate, (*motus e Senatu.*)

But this, though disgraceful, did not render persons infamous, as when they were condemned at a trial; for the ignominy might be removed by the next censors, or they might obtain offices, which again procured them admittance into the Senate: Cic. pro Cluent. 42. As was the case with C. Antonius, who was consul with Cicero; and with P. Lentulus, who was prætor at the time of Catiline's conspiracy.

3. The Badges of Senators.

The badges (*insignia*) of Senators, were 1. the *Latus clavus*, or *Tunica laticlavia*, i. e. a tunic or waistcoat with a long broad stripe of purple, like a ribbon, sewed to the borders of it on the fore part. It was broad, to distinguish it from that of the Equites, who wore a narrow one. 2. Black buskins reaching to the middle of the leg. Hor. Sat. i. 6. 28. with the letter C in silver on the top of the foot. Juv. 7. 197. Hence, *calceos mutare*, to become a Senator. Cic. 3. A particular place at the spectacles, called ORCHESTRA, next the stage in the theatre, and next the *cavea* or *arena* in the amphitheatre.

This was first granted them by P. Cornelius Scipio, the elder, in his consulship, A. U. 558. (*Liv.* 34. 54.) Hence Orchestra is put for the Senate itself. Juv. Sat. 3. v. 177.

In the games of the circus, the Senators sat promiscuously with the other citizens, till the Emperor Claudius assigned them peculiar seats there also. Suet. Claud. 21.

4. The assembling of the Senate, and the time and place of its meeting.

The Senate was assembled (*convocabatur, vel cogeatur*), usually by the Consuls, and in their absence by the Prætors. Cic. Ep. Fam. x. 12. Also by the Dictator, Master of horse, Liv. 8. 33. Decemviri, Military tribunes, Interrex, Præfect of the city, A. Gell. 14. 7. and by the tribunes of the commons, who could summon the Senate although the consuls were present, and even against their will: Cic. Ep. Fam. x. 28.; xi. 6.; De Orat. iii. 1.

The Senators were summoned (*arcescebantur, citabantur, vocabantur, &c.*) anciently by a public officer named VI-ATOR, because he called the Senators from the country; Cic. de Sen. 16. or by a PUBLIC CRIER, when any thing had happened about which the Senators were to be consulted hastily, and without delay, Liv. iii. 38.; but in latter times by an EDICT, appointing the time and place, and published several days before, Cic. Phil. iii. 8. not only at Rome, but sometimes also in the other cities of Italy. Cic. ad Att. ix. 17. The cause of assembling it used also to be added. Tac. Annal. ii. 28. Hence *Edicere Senatum in proximum diem; Edicere ut Senatus adesset, &c.* Cic. et Liv. passim.

If any Senator refused or neglected to attend, he was punished by a fine and distraining his goods, (*multâ et pignoris captione;*) unless he had a just excuse. Liv. iii. 38.; Cic. Phil. i. 5. The fine was imposed by him who held the Senate, and pledges were taken till it was paid. But after sixty or sixty-five years of age, Senators might attend or not as they pleased. Senec. de Brev. vitæ, 20. Controv. i. 8.

The Senate could not be held but in a temple, that is, in a place consecrated by the augurs.

Anciently there were but three places where the Senate used to be held (*Curia v. Senacula*); two within the city, and the temple of Bellona without it. Festus. Afterwards there were more places, as the temples of Jupiter Stator, Apollo, Vulcan, Tellus, Virtue, Faith, Concord.

cord: Also the *Curia Hostilia*, *Julia*, *Octavia*, and *Pompeia*; which last was shut up after the death of Cæsar, because he was slain in it. Suet. Jul. 88. These *Curie* were consecrated as temples by the augurs, but not to any particular deity. When Hannibal led his army to Rome, the Senate was held in the camp of Flaccus the Proconsul, betwixt the *Porta Collina* and *Æsculina*, Liv. xxvi. 10.

When a report was brought that an ox had spoken, a thing frequently mentioned in ancient authors, the Senate was held under the open air. Plin. Hist. Nat. viii. 45.

On two special occasions the Senate was always held without the city, in the temple of Bellona or of Apollo, for the reception of foreign ambassadors, especially of those who came from enemies, whom they did not chuse to admit into the city; and to give audience to their own generals, who were never allowed to come within the walls while in actual command. Liv. 31. 47. — 33. c. 22. & 24. — 36. 49. — 42. 36.

The Senate met (*conveniebat*) at stated times, on the kalends, nones, and ides of every month; unless when the comitia were held. For on those days (*diebus comitalibus*) it was not lawful to hold a Senate; Cic. ad Frat. ii. 2. ad Fam. i. 4. nor on unlucky days, (*diebus nefastis v. atris*) unless in dangerous conjunctures. Id. 8. 8. Liv. 38. 53. — 39. 39. An ordinary meeting of the Senate was called *Senatus LEGITIMUS*. If an extraordinary Senate was given to ambassadors or others for any reason whatever, it used to be called *INDICTUS* or *EDICTUS*, and then the Senators were usually summoned by an edict, whereby anciently those were ordered to attend who were *PATRES*, and who were *CONSCRIPTI*: Liv. ii. 1. but afterwards, "those who were Senators, and who had a right to deliver their opinion in the Senate." (*QUI SENATORES, QUIBUSQUE IN SENATU SENTENTIAM DICERE LICERET, UT ADESSENT*; and sometimes, *UT ADESSENT FREQUENTES, AD VIII. KAL. DECEMBR. &c.* Cic. et Liv. passim.)

No decree of the Senate could be made unless there was a quorum, (*nisi Senatorum numerus legitimus adesset.*) What that

that was is uncertain. Before the times of Sulla, it seems to have been 100, Liv. xxxix. 18. Under Augustus it was 400, which, however, that Emperor altered. If any one wanted to hinder a decree from being passed, and suspected there was not a quorum, he said to the magistrate presiding, NUMERA SENATUM, count the Senate, Cic. Ep. Fam. viii. 11. Augustus enacted, that an ordinary meeting of the Senate should not be held oftener than twice a-month, on the Kalends and Ides. Suet. Aug. 35.

The Senate met always, of course, on the 1st of January, for the inauguration of the new Consuls, who entered into their office on that day, and then usually there was a crowded house.

He who had the fasces presided, and consulted the fathers, first about what pertained to religion, (*de rebus divinis*), about sacrificing to the Gods, expiating prodigies, celebrating games, inspecting the books of the Sibyls, &c.; next, about human affairs, namely, the raising of armies, the management of wars, the provinces, &c. The Consuls were then said to consult the Senate about the republic in general, (*de republica* indefinitely), and not about particular things, (*de rebus singulis* finitè: Aul. Gell. 14. 7.). The same was the case in dangerous junctures, when the Senate was consulted about the safety of the republic, (*de summa republica*, v. *tota*.) Cic. passim.

The month of February was commonly devoted to hear embassies and the demands of the provinces. Cic. ad Fratr. ii. 3. & 12.; ad Fam. i. 4.

5. The manner of holding and consulting the Senate.

The Magistrate, who was to hold the Senate, offered a sacrifice, and took the auspices, before he entered the Senate-house. If the auspices were not favourable, or not rightly taken, the business was deferred to another day, Cic. Epist. x. 12.

When the Consuls entered the Senate-house, the Senators commonly rose up to do them honour.

The

The Senate was consulted about every thing pertaining to the administration of the state, except the creation of magistrates, the passing of laws, and the determination of war and peace; all which properly belonged to the whole Roman people.

The Senate could not determine about the rights of Roman citizens without the order of the people. Liv. xxvi. 33.

When a full house was assembled, the magistrate presiding, whether consul or prætor, &c. laid the business before them in a set form; QUOD BONUM, FAUSTUM, FELIX, FORTUNATUM SIT; REFERIMUS AD VOS, PATRES CONSCRIPTI. Then the Senators were asked their opinion in this form; DIC, SP. POSTHUMI, QUID CENSES? Liv. ix. 8. or QUID FIERI PLACET? QUID TIBI VIDETUR?

In asking the opinions of the Senators, the same order was not always observed; but usually the *Princeps Senatûs* was first ordered to deliver his opinion, unless when there were Consuls elect, who were always asked first; and then the rest of the Senators according to their dignity. *Consulares, Prætorii, Ædilitii, Tribunitii, et Quæstorii*, which is also thought to have been their order in sitting. Cic. Phil. 13. And as the Consuls elect were first asked their opinion, so the Prætors, Tribunes, &c. elect, seem to have had the same preference before the rest of their order, Cic. ad Att. xii. 21.; in Verr. v. 14. He who held the Senate, might ask first any one of the same order he thought proper; which he did from respect or friendship. Cic. post redit. in Senat. 7.; Liv. v. 20; A. Gell. 14. 7.

The Consuls used to retain through the whole year the same order which they had observed in the beginning of their office, Suet. Jul. 21. But in later times, especially under the Emperors, they were asked in what order the magistrate, who presided, thought proper. When they were all asked their opinions, they were said *perrogari*, Liv. Augustus observed no certain rule in asking the opinions of the Senators, that thereby they might be rendered the more attentive, Suet. 35.

Nothing

Nothing could be laid before the Senate against the will of the Consuls, unless by the Tribunes of the people, who might also give their negative (*moram facere*) against any decree, by the solemn word VETO; which was called *interceding* (*intercedere*.) This might also be done by all who had an equal or greater authority than the magistrate presiding. If any person interceded, the sentence of the Senate was called SENATUS AUCTORITAS, their judgement or opinion, Liv. iv. 57.; and not *Senatus consultum* or *decretum*, their command. So likewise it was named, if the Senate was held at an improper time or place, (*alieno tempore aut loco*); or if all the formalities (*solemnia*) were not observed. In which case the matter was referred to the people, or was afterwards confirmed by a formal decree of the Senate, Cic. Ep. Fam. x. 12. But when no mention is made of intercession or informality, *Auctoritas Senatûs* is the same with *Consultum*, Cic. Leg. ii. 15. They are sometimes also joined; thus, *Senatûs consulti auctoritas*, which was the usual inscription of the decrees of the Senate, and marked with these initial letters, S. C. A. Cic.

The Senators delivered their opinion (*sententiam dicebant*) standing: Whence one was said to be raised, (*excitari*;) when he was ordered to give his opinion, Liv. ix. 8.; Cic. ad Attic. i. 13. But when they only assented to the opinion of another, (*verbo assentiebantur*;) they continued sitting, Cic. Ep. Fam. v. 2. The principal Senators might likewise give their opinion about any other thing, besides what was proposed, which they thought of advantage to the state, and require that the Consul would lay it before the Senate; which Tacitus calls, *Egredi relationem*. They were then said CENSERE *referendum de aliqua re*, Sall. Cat. 50.; or *Relationem postulare*, Tacit. Ann. xiii. 49. For no private Senator, not even the Consul elect, was allowed to propose to the Senate any question himself, Cic. pro Dom. 27. Sometimes the whole house called out for a particular motion, Sall. Cat. 48. And if the Consul hesitated or refused, which he did by saying, SE CONSIDERARE VELLE, the other magistrates, who

who had the right of holding the Senate, might do it, even against their will, particularly the Tribunes of the people, Cic. pro Leg. Manil. 19. ; pro Sext. 30. ; Epist. Fam. x. 16. Hence Augustus was, by a decree of the Senate, invested with the power of Tribune for life, that he might lay any one thing he pleased before the Senate every meeting, although he was not Consul, Dio. lib. 55. And the succeeding Emperors obtained from the Senate the right of laying before them one, two, or more things at the same meeting ; which was called *jus primæ, secundæ, tertię, quartę, et quintę relationis*, Vopisc. et Capitol. In those times the Senator who gave his opinion first, was called *Primę sententię Senator*, ib.

It was not lawful for the Consuls to interrupt those that spoke, although they introduced in their speech many things foreign to the subject ; which they sometimes did, that they might waste the day in speaking, (*ut diem dicendo eximerent, consumerent v. tollerent.*) For no new reference could be made after the tenth hour, i. e. four o'clock afternoon according to our manner of reckoning ; Senec. de tranquil. an. c. ult. nor a decree passed after sunset, A. Gell. xiv. 7.

Hence Cicero, in blaming the decrees of Antony, calls them *SCta Vespertina*, Phil. iii. 10. We read, however, of the Senate's being assembled at midnight, upon the arrival of an express from one of the Consuls, Sp. Furius, that he was besieged by the Æqui and Volsci, A. U. 290. Dionys. 9. 63.

Those who grossly abused this right of speaking without interruption, were sometimes forced to give over speaking, (*operorare*), by the noise and clamour of the other Senators, Cic. ad Att. iv. 2. Sometimes magistrates, when they made a disagreeable motion, were silenced in this manner. Thus, *Cæptum est referri de inducendo SCto*, i. e. delendo vel expungendo, *Ab omni Senatu reclamatum est*, Cic. pro Dom. 4. So when a Senator threw out abusive language against any one, as Catiline did against Cicero and others, the whole Senate bawled out against him, (*Obstrepere omnes*), Sall. Cat. 31. This used

used also to happen under the Emperors. Thus Pliny speaking of himself, after the death of Domitian, says, *Finio. Incipit respondere Vejento; nemo patitur; obturbatur; obstrepitur; adeo quidem ut diceret; ROGO, PATRES C. NE ME COGATIS IMPLORE AUXILIUM TRIBUNORUM. Et statim Murena tribunus, PERMITTO TIBI, VIR CLARISSIME, VEJENTO DICERE. Tunc quoque reclamatur. Ep. ix. 13.* The title of CLARISSIMUS was at this time given to all the Senators; but formerly only to the leading men.

Sometimes the speeches of Senators were received with shouts of applause: thus, *Consurgenti ad censendum acclamatum est, quod solet residentibus. Plin. Ep. iv. 9.* And the most extravagant expressions of approbation were bestowed on themselves: *Non fere quisquam in Senatu fuit, qui non me complecteretur, exoscularetur, certatimque laude cumularet. Id. ix. 13.*

If any one in delivering his opinion had included several distinct articles, some of which might be approved, and others rejected; it was usual to require that the opinion might be divided, and that each particular might be proposed apart, and therefore any Senator might say, *DIVIDE. Cic. Fam. i. 2.*

In matters of very great importance, the Senators sometimes delivered their opinions upon oath, (*jurati.*) *Liv. xxvi. 33.; xxx. 40.; xlii. 21.*

Several different questions might be referred to the Senate by different magistrates in the same meeting. *Cic. Phil. vii. 1.; Liv. xxx. 21.*

When any magistrate made a motion, he was said, *VERBA FACERE; REFERRE VEL DEFERRE AD SENATUM, OR CONSULERE SENATUM, DE ALIQUA RE. Cic. in Pis. 13.*

When different opinions were delivered, the Senators expressed their assent, some to one, and some to another, variously, by their looks, by nodding with their heads, by stretching out their hands, &c. *Tacit. hist. iv. 4.*

The Senators who spoke, commonly concluded their speeches in a certain form: *QUARE EGO ITA CENSEO;*

B

OR

OR PLACET IGITUR, &c. Sall. Cat. li. 52. QUOD C. PANSA VERBA FECIT DE—DE EA RE ITA CENSEO; OR QUÆ CUM ITA SINT; OR QUAS OB RES, ITA CENSEO. Cic. Phil. iii. 15.; v. 4.; ix. 7. Sometimes they used to read their opinion, (*de scripto dicere*.) Cic. Fam. x. 13. and a decree of the Senate was made according to it. (*in sententiam alicujus, vel, ita ut ille censebat*.)

When a Senator did not give an entire assent to the opinion of any one, but thought that something should be added, he said, SERVILIO ASSENTIOR, ET HOC AMPLIUS CENSEO! Cic. Phil. xiii. 21. which was called *addere sententia*, vel *in sententiam*. Sall. Cat. 51.

6. The Manner of making a Decree of the Senate.

When several different opinions had been offered, and each supported by a number of Senators, the Consul or Magistrate presiding might first put to the vote which opinion he pleased, (*sententiam primam pronunciare, ut in eam discessio fieret*;) Cic. Ep. Fam. x. 12. or suppress altogether (*negare se pronunciaturum*) what he disapproved. Cæs. de Bell. Civili, i. 1. And here-in consisted the chief power of the Consul in the Senate.

A decree of the Senate was made by a separation (*per discessionem*) of the Senators to different parts of the house. He who presided said, "Let those who are of such an opinion, pass over to that side; those who think differently to this." (QUI HOC CENSETIS, ILLUC TRANSITE. QUI ALIA OMNIA, IN HANC PARTEM.) Hence *Ire pedibus in sententiam alicujus*, to agree to any one's opinion; and *Discedere v. transire in alia omnia*, for *Contrarium sentire*: Plin. Ep. viii. 14. Those Senators who only voted, but did not speak; or, as some say, who had the right of voting, but not of speaking, were called PEDARII. Festus. A. Gell. iii. 18.; Cic. ad Att. i. 19. & 20. because they signified their

their opinion by their feet, and not by their tongues: Or, according to others, because not having borne a Curule magistracy, they went to the Senate on foot. A. Gell. *ibid.* But, according to Pliny, anciently all the Senators went to the Senate on foot; and the privilege of being carried thither in a chariot was never granted to any one but Metellus, who had lost his sight in rescuing the Palladium, or image of Pallas, from the temple of Vesta when in flames. *Hist. Nat. vii. 43.*

He who had first proposed the opinion, (*qui sententiam Senatui præstitisset*, Cic. in Pis. 32.), or who had been the principal speaker in favour of it, the Consul or whoever it was, (PRINCEPS vel AUCTOR *Sententie*), passed over first; and those who agreed with him followed. Plin. *Epist. ii. 11.* Those who differed went to a different part of the house; and into whatever part most of the Senators went, the Consul said of it, "This seems to be the majority," (*HÆC PARS MAJOR VIDETUR.*) Then a decree of the Senate was made according to their opinion, and the names of those who had been most keen for the decree, were usually prefixed to it, which were called AUCTORITATES *perscriptæ*. Cic. *Orat. iii. 2.* Because they staid to see the decree made out, (*scribendo adfuerunt*, i. e. *Senatus consulti conficiendi testes erant.*)

Anciently the letter T was subscribed, if the Tribunes did not give their negative; for at first the Tribunes were not admitted into the Senate, but sat before the Senate-house on benches, till the decrees of the Senate were brought to them for their approbation or rejection. Val. Max. *ii. 2. 7.* This, however, was the case only for a very short time.

When a decree of the Senate was made, without any opinions being asked or given, the fathers were said, *Pedibus ferre sententiam*; and the decree was called SENATUS CONSULTUM PER DISCESSIONEM. A. Gell. *xiv. 7*; Cic. *Phil. iii. 9*; Suet. *Tib. 31.* But when the opinions of the Senators were asked, it was simply called SENATUS CONSULTUM.

Cic. in Pis. 8. Although it was then also made *per discessionem*; and if the Senate was unanimous, the *discessio* was said to be made *sine ulla varietate*. Cic. pro Sext. 34. If the contrary, *in magna varietate sententiarum*. Id.

Sometimes the Consul brought from home in writing the decree which he wished to be passed, and the Senate readily agreed to it: Cic. Phil. i. 1.

When secrecy was necessary, the clerks and other attendants were not admitted; but what passed was written out by some of the Senators. Cic. pro Syll. 14. A decree made in this manner was called *TACITUM*. Capitol. Gordian. 12. Some think the *Senatores Pedarii* were then likewise excluded, from Valer. Max. ii. 2.

Julius Cæsar, when Consul, appointed that what was done in the Senate should be published: Suet. Jul. 20. which also seems to have been done formerly. Cic. pro Syll. 14. But this was prohibited by Augustus. Suet. Aug. 36. An account of their proceedings, however, was always made out; and under the succeeding Emperors we find some Senator chosen for this purpose. (*Actis v. commentariis Senatûs conscribendis.*) Tacit. Ann. v. 4.

SENATUS CONSULTUM and *DECRETUM* are used promiscuously to denote what the Senate decreed: Cic. Liv. et Sall. passim. So *Consulta et Decreta patrum*, Hor. But they are also distinguished as a genus and species, *decretum* being sometimes put for a part of the *SCtum*, as when a province, an honour, or a supplication was decreed to any one. Festus. *Decretum* is likewise applied to others besides the Senate; as, *Decreta Consulûm, Augurûm, Pontificûm, Decurionûm, Cæsaris, Principis, Judicis, &c.* So likewise *consulta*, but more rarely; as, *Consulta sapientûm*, the maxims, Cic.

In writing a decree of the Senate, the time and place were put first, then the names of those who were present at the ingrossing of it; after that the motion, with the name of the magistrate who made it; to all which was subjoined

subjoined what the Senate decreed. Thus, SENATUS CONSULTI AUCTORITAS. PRIDIE KAL. OCTOB. IN ÆDE APOLLINIS, SCRIBENDO ADFUERUNT, L. DOMITIUS, &c. QUOD M. MARCELLUS COS. VERBA FECIT DE PROVINCIIS CONSULARIBUS, DE EA RE ITA CENSUIT, V. CENSUERUNT, UTI, &c. Cic. Ep. Fam. viii. 8.

Hence we read, DE EA RE SENATUS CONSULTUS ITA CENSUIT, DECREVIT; ALIO PLACERE SENATUI; SENATUM VELLE ET ÆQUUM CENSERE; SENATUM EXISTIMARE, ARBITRARI, ET JUDICARE; VIDERI SENATUI. Cic. Liv. Sall. &c. passim.

If the Tribunes interceded it was thus marked at the end: HUIC SENATUS CONSULTO INTERCESSIT C. COELIUS, C. PANSA, TRIB. PLEB. Cic. ibid. Sometimes the Tribunes did not actually intercede, but required some time to consider of it, and thus the matter was delayed. Cic. pro Sext. 34.

When the Senate ordered any thing to be done, these words are commonly added, PRIMO QUOQUE TEMPORE, as soon as possible. When they praised the actions of any persons, they decreed, EOS RECTE ATQUE ORDINE VIDERI FECISSE. Liv. passim. If the contrary, EOS CONTRA REMPUBLICAM FECISSE VIDERI. Id.

Orders were given to the Consuls, (*Negotium datum est Consulibus*,) not in an absolute manner, but with some exception; SI VIDERETUR, SI E REPUBLICA ESSE DUCERENT, Liv. QUOD COMMODO REIPUBLICÆ FIERI POSSET, Cæf. UT CONSULES ALTER, AMOVE, SI EIS VIDEATUR, AD BELLUM PROFICISCKERENTUR. Cic.

When the Senate asked any thing from the Tribunes, the form was, SENATUS CENSUIT, UT CUM TRIBUNIS AGERETUR Liv. xxvi. 33.; xxx. 41.

The decrees of the Senate, when written out, were laid up in the treasury, (*in Ærarium condebantur*,) where also the laws and other writings pertaining to the Republic were kept. Antiently they were kept by the Ædiles in the temple of Ceres. The place where the public records were kept was called TABULARIUM.

The decrees of the Senate, when not carried to the treasury, were reckoned invalid. Suet. Aug. 94.; Tacit. Ann. iii. 53.

Before the year of the city 306, the decrees of the Senate were suppressed or altered at the pleasure of the Consuls. Liv. iii. 55.

After every thing was finished, the magistrate presiding dismissed the Senate by a set form; *NON AMPLIUS VOS MORAMUR P. C. OR NEMO VOS TENET; NIHIL VOS MORAMUR.*

7. *The Power of the Senate at different periods.*

The power of the Senate was different at different times. Under the regal government, the Senate deliberated upon such public affairs as the king proposed to them; and the kings were said to act according to their counsel, (*ex consilio Patrum*, Liv. i. 9.) as the Consuls did afterwards according to their decree, (*ex SCto.*) Liv. ii. 2. &c.

Tarquin the Proud dropped the custom handed down from his predecessors, of consulting the Senate about every thing; banished or put to death the chief men of that order, and chose no others in their room. Liv. i. 49. But this king was expelled from the throne for his tyranny, and the regal government abolished, A. U. 243.

After this the power of the Senate was raised to the highest. Every thing was done by its authority. The magistrates were in a manner only its ministers, (*quasi ministri gravissimi consilii*, Cic. pro Sextio 65.) No law could be passed, nor assembly of the people held without their consent; (*nisi Patribus auctoribus*, h. e. jubentibus v. permittentibus, Liv.) But when the Patricians began to abuse their power, and to exercise cruelties on the Plebeians, especially after the death of Tarquin, A. U. 257, the multitude took arms in their own defence, made a secession from the city, seized on *Mons Sacer*,
and

and created Tribunes for themselves, who attacked the authority of the Senate, and in process of time greatly diminished it by various means: First, by the introduction of the *Comitia Tributa*, and the exclusion of the Patricians from them. Liv. ii. 60. Then, by a law made by Lætorius the Tribune, that the Plebeian magistrates should be created at the *Comitia Tributa*; Liv. ii. 6. & 57. Afterwards, by a law passed at the *Comitia Centuriata*, by the Consuls Horatius and Valerius, that the laws passed at the *Comitia Tributa*, (*Plebiscita*;) should also bind the Patricians. Liv. iii. 55. And lastly, by the law of Publilius the Dictator, A. U. 414. Liv. viii. 12. and of Mœnius the Tribune, A. U. 467. Cic. Brut. 14. that before the people gave their votes, the fathers should authorise whatever the people should determine at the *Comitia Centuriata*; (*ut fierent auctores ejus rei, quam populus jussurus esset, v. in incertum eventum comitiorum*, Liv. Whereas formerly, whatever the people ordered, was not ratified unless the Senators confirmed it. (*nisi Patres auctores fierent*. Liv. i. 17.) But the power of the Senate was most of all abridged by the right of the Tribunes to render the decrees of the Senate of no effect by their negative, (*intercedendo*.) Still, however, the authority of the Senate continued to be very great; for as power and majesty properly belonged to the people, so did authority, splendor, and dignity, to the Senate. (*Potestas in populo, auctoritas in Senatu*. Cic. Leg. iii. 12.) *Locus, auctoritas, domi splendor; apud exterarum nationes nomen et gratia*. Id. pro Cluent. 56.

The Senatorian order is called by Cicero, *Ordo amplissimus et sanctissimus; summum Populi Romani, populorumque et gentium omnium ac Regum consilium*; pro dom. 28. And the Senate-house, *Templum sanctitatis, amplitudinis, mentis, consilii publici, caput urbis, ara sociorum, portus omnium gentium, &c.* pro Mil. 33. Hence Senators in foreign countries were treated with the highest respect. Cic. in Verr. iv. 11. And as Senators were not allowed to leave Italy without permission, (*sine comineatu*;) Cic. Attic. viii. 15.; Suet. Claud. 16. &

23.; Ner. 35. when they had occasion to travel abroad; they usually obtained the privilege of a *free legation*, as it was called: Cic. Ep. Fam. xi. 1.; Att. xv. 12.; Suet. Tib. 31. which gave them a right to be treated every where with the honours of an ambassador. In the provinces they had Lictors to attend them, Cic. Ep. Fam. xii. 21. And if they had any law-suit there, they might require that it should be remitted to Rome. Ib. xiii. 26.

Although the supreme power at Rome belonged to the people, yet they seldom enacted any thing without the authority of the Senate. In all weighty affairs, the method usually observed was, that the Senate should first deliberate and decree, and then the people order. *SENATUS CENSUIT V. DECREVIT, POPULUS JUSSIT.* Liv. i. 32.; x. 43.; xxxvii. 55. &c. But there were many things of great importance, which the Senate always determined itself, unless when they were brought before the people by the intercessions of the Tribunes. This right the Senate seems to have had, not from any express law, but by the custom of their ancestors.

1. The Senate assumed to themselves the guardianship of the public religion; so that no new god could be introduced, nor altar erected, nor the sibylline books consulted, without their order. Liv. 9. 46.; Cic. de Div. 48. 54.

2. The Senate had the direction of the treasury, and distributed the public money at pleasure. Cic. in Vat. 15.; Liv. 38. 54. They appointed stipends to their generals and officers; and provisions and cloathing to their armies.

3. They settled the provinces, which were annually assigned to the Consuls and Prætors, and when it seemed fit they prolonged their command. Cic. pro Dom. 9.

4. They nominated all ambassadors sent from Rome out of their own body; and gave to foreign ambassadors what answers they thought proper. Cic. in Vat. 15.

5. They decreed all public thanksgivings for victories obtained; and conferred the honour of an ovation.

or triumph, with the title of IMPERATOR, on their victorious generals. Cic. Phil. xiv. 4. & 5.

6. They could decree the title of King to any prince whom they pleased, and declare any one an enemy by a vote. Cæf. Liv. et Cic. passim.

7. They enquired into public crimes or treasons, either in Rome or the other parts of Italy; Liv. xxx. 26. and heard and determined all disputes among the allied and dependent cities. Cic. Off. i. 10.

8. They exercised a power, not only of interpreting the laws, but of absolving men from the obligation of them, and even of abrogating them. Cic. pro Domo 27; pro lege Manil. 21; de Leg. ii. 6. Afcen. in Cic. pro Corn.

9. They could postpone the assemblies of the people, Cic. pro Mur. 25. and prescribe a change of habit to the city in cases of any imminent danger or calamity. Cic. pro Sext. 12. But the power of the Senate was chiefly conspicuous in civil dissensions or dangerous tumults within the city, in which that solemn decree used to be passed, "That the consuls should take care that the republic should receive no harm;" *Ut consules darent operam, ne quid detrimenti respublica caperet.* By which decree an absolute power was granted to the consuls, to punish and put to death whom they pleased without a trial; to raise forces, and carry on war without the order of the people. Sall. de Bello Cat. c. 29.

This decree was called ULTIMUM or EXTREMUM. Cæf. de Bell. Civ. i. 4. and *Forma SCti ultime necessitatis.* Liv. 3. 4. By it the republic was said to be entrusted to the consuls, *permitti v. commendari consulibus*; or *permitti consulibus ut rempublicam defenderent.* Cic. Sometimes the other magistrates were added; Cæf. ibid. Sometimes only one of the consuls is named, as in the commotion raised by C. Gracchus, *Ut L. Opius Consul videret*, &c. because his colleague Q. Fabius Maximus was absent. Cic. in Cat. i. 2. So Liv. iii. 4.

Although

Although the decrees of the Senate had not properly the force of laws, and took place chiefly in those matters which were not provided for by the laws; yet they were understood always to have a binding force, and were therefore obeyed by all orders. The consuls themselves were obliged to submit to them. Liv. iv. 26. — 42. 21. They could be annulled or cancelled (*induci*, i. e. *deberi*, *poterant*), only by the Senate itself. Cic. pro Dom. 4. Attic. i. 17. Their force however in certain things was but temporary; and the magistrates sometimes alledged, that they were binding but for one year. Dionys. 9. 37. In the last age of the republic, the authority of the Senate was little regarded by the leading men and their creatures; Cic. pro Sext. 12. who, by means of bribery, obtained from a corrupted populace what they desired, in spite of the Senate. Thus Cæsar, by the Vatinian law, obtained the province of Cisalpine Gaul and Illyricum, for five years, from the people: and soon after Gallia Comata or Ulterior, from the Senate; the fathers being afraid, lest, if they refused it, the people should grant him that too. Suet. Jul. 22. But this corruption and contempt of the Senate, at last terminated in the total subversion of public liberty.

Augustus, when he became master of the empire, retained the forms of the ancient republic, and the same names of the magistrates; but left nothing of the ancient virtue and liberty (*prisæ et integri moris*). Tacit. Ann. i. 3. While he pretended always to act by the authority of the Senate, he artfully drew every thing to himself.

Tiberius apparently increased the power of the Senate, by transferring the right of creating magistrates and enacting laws from the comitia to the Senate. Tac. Ann. i. 15. In consequence of which, the decrees of the Senate obtained the force of laws, and were more frequently published. But this was only a shadow of power. For the Senators in giving their opinions depended entirely on the will of the prince; and it was necessary that their decrees should be confirmed by

by him. An oration of the Emperor was usually prefixed to them, which was not always delivered by himself, but was usually read by one of the quæstors, who were called *candidati*, Suet. Tit. 6. Aug. 65. Hence what was appointed by the decrees of the Senate, was said to be *oratione principis cautum*; and these orations are sometimes put for the decrees of the Senate themselves. To such a height did the flattery of the Senators proceed, that they used to receive these speeches with loud acclamations. Plin. Paneg. 75. and never failed to assent to them; which they commonly did by crying out, OMNES, OMNES. Vopisc. in Tacit. 7.

The messages of the Emperors to the Senate were called EPISTOLÆ or LIBELLI; because they were folded in the form of a letter or little book. J. Cæsar is said to have first introduced these *libelli*, Plutarch. in Vita Cæs. — Suet. Jul. 56. which afterwards came to be used almost on every occasion. Suet. Jul. 81.; Aug. 84.; Tacit. 4. 9.

But the custom of referring every thing to the Senate, (Suet. Tib. 30.) was only observed till the Romans became habituated to slavery.

After this the Emperors gradually began to order what they thought proper, without consulting the Senate; to abrogate old laws and introduce new ones; and, in short, to determine every thing according to their own pleasure; by their answers to the applications made to them, (per RESCRIPTA ad libellos); by their mandates and laws, (per EDICTA et CONSTITUTIONES), &c. Vespasian appears to have been the first who made these rescripts and edicts. They became more frequent under Hadrian: From which time the decrees of the Senate concerning private right began to be more rare; and at length under Caracalla they were entirely discontinued.

The constitutions of the Emperors about punishing or rewarding individuals, which were not to serve as precedents, were called PRIVILEGIA, (quasi *privæ leges*.) A. Gell. x. 20.; Cic. de Leg. iii. 19. This word

anciently

anciently used to be taken in a bad sense ; for a private law about inflicting an extraordinary punishment on a certain person without a trial ; as the laws of Clodius against Cicero. Cic. pro Dom. 17. which Cicero says was forbidden by the sacred laws and those of the twelve tables, *Leges privatis hominibus irrogari : id est enim privilegium.*

The rights or advantages (*beneficia*) granted to a certain condition or class of men, used also to be called *Privilegia* ; as, the privileges of soldiers, parents, pupils, creditors, &c.

The various laws and decrees of the Senate, whereby supreme power was conferred on Augustus, and which used to be repeated to the succeeding Emperors upon their accession to the empire, (*Tum Senatus omnia, PRINCIPIBUS SOLITA, Vespasiano decrevit.* Tacit. Hist. iv. 3.) when taken together, are called the *Royal law* ; (**LEX REGIA, vel LEX IMPERII, et AUGUSTUM PRIVILEGIUM ;**) probably in allusion to the law, by which supreme power was granted to Romulus. Liv. xxxiv. 6.

The E Q U I T E S.

The Equites at first did not form a distinct order in the State. When Romulus divided the people into three tribes, he chose from each tribe 100 young men, the most distinguished for their rank, their wealth, and other accomplishments, who should serve on horseback, and whose assistance he might use for guarding his person. These 300 horsemen were called CELERES, and divided into three Centuries, which were distinguished by the same names with the three tribes, namely, RAMNENSES, TATIENSES, and LUCERES.

The number of the *Equites* was afterwards increased, first by Tullus Hostilius, who chose 300 from the Albans, (*decem turmas : TURMA, quasi terma dicta est, quod ter denis equitibus constaret.* Varro et Festus.) Liv. i. 30. then by Tarquinius Priscus, who doubled their
number

number, (*Numero alterum tantum adjecit*;) retaining the same number and names of the centuries; only those who were added, were called *Ramnenses*, *Titienses*, *Luceres Posteriores*. But as Livy says there were now 1800 in the three centuries, Tarquin seems to have done more than doubled them. Liv. i. 36.

Servius Tullius made eighteen centuries of *Equites*, he chose twelve new centuries from the chief men of the state, and made six others out of the three instituted by Romulus. Ten thousand pounds of brass were given to each of them to purchase horses; and a tax was laid on widows, who were exempt from other contributions, for maintaining their horses. Liv. i. 43. Hence the origin of the Equestrian order, which was of the greatest utility in the State, as an intermediate bond betwixt the Patricians and Plebeians.

At what particular time the *Equites* first began to be reckoned a distinct order, is uncertain. It seems to have been before the expulsion of the kings. (Liv. ii. 1.) After this all those who served on horseback were not properly called *EQUITES* or knights, but such only as were chosen into the equestrian order, usually by the Censor, and presented by him with a horse at the public expence, and with a golden ring.

The *Equites* were chosen promiscuously from the Patricians and Plebeians. Those descended from ancient families were called *ILLUSTRES*, *SPECIOSI*, and *SPLENDIDI*. They were not limited to any fixed number. The age requisite was about eighteen years; and the fortune, (*census*) during the flourishing state of the republic, was 400 *Sestertia*, that is, about L. 3229 of our money. According to some, every Roman citizen whose entire fortunes amounted to that sum, was every *lustrum* enrolled, of course, in the list of *Equites*. But that was not always the case. Liv. v. 7.

The badges of the *Equites* were, 1. A horse given them by the public; 2. A golden ring, whence *ANNULO AUREO DONARI*, for *inter equites legi*; 3. *Angustus Clavus*, or *Tunica angusticlavia*; 4. A separate place at

the public spectacles, according to the law made by L. Roscius Otho, a tribune of the people, A. U. 686, that the Equites should sit in 14 rows, (*in XIV gradibus*,) next to the *Orchestra*, where the Senators sat; whence SEDERE IN QUATUORDECIM, or IN EQUESTRIBUS; or SPECTARE IN EQUITE, for *Equitem esse*. Suet.

The office (MUNUS) of the Equites at first was only to serve in the army; but afterwards also to act as judges or jurymen, (*ut judicarent*,) and to farm the public revenues, (VECTIGALIA CONDUCERE.) Judges were chosen from the Senate till the year of the city 631, at which time, on account of the corruption of that order, the right of judging was transferred from them to the Equites, by the Sempronian law made by C. Gracchus. It was again restored to the Senate by Sulla; but afterwards shared betwixt the two orders.

The Equites who farmed the revenues were divided into certain societies, and he who presided in such a society, was called MAGISTER SOCIETATIS. Cic. Fam. xiii. 9. These farmers (PUBLICANI) were held in such respect at Rome, that Cicero calls them *Homines amplissimi, honestissimi, et ornatissimi*; pro lege Manil. 7. *Flos Equitum Romanorum, ornamentum civitatis, firmitamentum reipublicæ*, pro Plancio 9. But in the provinces this was far from being the case, especially with their servants and assistants.

No small splendor was added to the Equestrian order by a procession, (TRANSVECTIONE,) which they made through the city every year the 15th day of July, (*Idibus Quintilibus*,) Liv. ix. 46. from the temple of Honour, or of Mars, without the city, to the Capitol, riding on horseback, with wreaths of olive on their heads, drest in their *Toga palmata*, or *trabeæ*, of a scarlet colour, and bearing in their hands the military ornaments which they had received from their general, as a reward for their valour. At this time it was not allowed to cite them before a court of justice; such at least was the case under Augustus. Suet. Aug. 38.

Every

Every fifth year, when this procession was made, the *Equites* rode up to the Censor seated in his curule chair before the Capitol, and dismounting led along (TRA-
DUCEBANT) their horses in their hands before him, and in this manner they were reviewed, (RECOGNOSCE-
BANTUR.)

If any *Eques* was corrupt in his morals, or had diminished his fortune, or even had not taken proper care of his horse, Gell. iv. 20. the Censor ordered him to sell his horse, Liv. xxix. 37. and thus he was reckoned to be removed from the equestrian order; hence ADIME-
RE EQUUM, to degrade an *Eques*: But those whom the Censor approved, were ordered to lead along (tra-
ducere) their horses. Ovid. Trist. ii. 89.

At this time also the Censor read over a list of the Equites, and such as were less culpable (*qui minore culpa tenerentur*) were degraded, (ORDINE EQUESTRI MOTI SUNT,) only by passing over their names in the recital. Suet. Cal. 16.

The *Eques* whose name was first marked in the Censor's books, was called PRINCEPS JUVENTUTIS; not that in reality the *Equites* were all young men, for many grew old in that order, as Mæcenas and Atticus; and we find the two Censors *Livius* and *Nero* were *Equites*, Liv. xxix. 37. but because they had been generally so at their first institution. And among the Romans men were called *Juvenes* till near fifty. Hence we find Julius Cæsar called *Adolescentulus*, when he stood candidate for being high priest, although he was then thirty-six years old. Sall. Cat. 49. And Cicero calls himself *Adolescens* when he was Consul. Phil. ii. f. Under the Emperors, the heirs of the empire were called *Principes Juventutis*. Suet. Calig. 15. We find this name also applied to the whole Equestrian order. Liv. xlii. 61.

The PLEBEIAN or POPULAR order.

All the other Roman citizens, besides the Patricians and Equites, were called PLEBS or POPULUS. *Populus* sometimes comprehends the whole nation; as, CLEMENTIA ROMANI POPULI: or all the people except the Senate; as, SENATUS POPULUSQUE ROMANUS. In which last sense *plebs* is also often used; as when we say, that the Consuls were created from the *plebeians*, that is, from those who were not *Patricians*.

The common people who lived in the country and cultivated the ground, were called PLEBS RUSTICA. Liv. xxxv. 1. Anciently the Senators also did the same, Cic. de Sen. 16. but not so in after times. The common people who lived in the city, merchants, mechanics, &c. Cic. Off. i. 42. were called PLEBS URBANA. Sall. Cat. 27.

Other DIVISIONS of the ROMAN PEOPLE.

I. PATRONS and CLIENTS; NOBILES, NOVI, and IGNOBILES; OPTIMATES and POPULARES.

That the Patricians and Plebeians might be connected together by the strictest bonds, Romulus ordained that every Plebeian should chuse from the Patricians any one he pleased, as his PATRON or Protector, whose CLIENT he was called, (*quod eum colebat.*) It was the part of the Patron to advise and to defend his client, to assist him with his interest and substance, in
short

short to do every thing for him that a parent uses to do for his children. The Client was obliged to pay all kind of respect to his Patron, and to serve him with his life and fortune in any extremity.

It was unlawful for Patrons and Clients to accuse or bear witness against each other; and whoever was found to have acted otherwise, might be slain by any one with impunity, as a victim devoted to Pluto and the infernal gods. Hence both Patrons and Clients vied with one another in fidelity and observance, and for more than 600 years we find no dissensions between them. It was esteemed highly honourable for a Patrician to have numerous clients, both hereditary, and acquired by his own merit. Hor. Ep. iii. 1. 103; Juv. x. 44.

In after times even cities and whole nations were under the protection of illustrious Roman families; as the Sicilians under the patronage of the Marcelli, the people of Capua under that of Cicero, &c.

Those whose ancestors or themselves had borne any Curule magistracy, that is, had been Consul, Prætor, Censor, or Curule Ædile, were called NOBILES, and had the right of making images of themselves, (JUS IMAGINUM,) which were kept with great care by their posterity, and carried before them at funerals.

These images were nothing else but the effigies of persons down to the shoulders, made of wax and painted, which they used to place in the courts of their houses, inclosed in wooden cases, and seem not to have brought them out except on festival days. There were titles or inscriptions written below them, pointing out the honours they had enjoyed, and the exploits they had performed. (Juv. Sat. 8.; Plin. xxxv. 2.) Hence *imagines* is often put for *nobilitas*. Anciently this right of images was peculiar to the Patricians; but afterwards the Plebeians also acquired it, when admitted to curule offices.

Those who were the first of their family that had raised themselves to any curule office, were called *Homines NOVI*, upstarts. Hence Cicero calls himself *Hominem per se cognitum*. in Cat. i. 11.

Those who had no images of their own or of their ancestors, were called **IGNOBILES**.

Those who favoured the interests of the Senate, were called **OPTIMATES**, and sometimes *Proceres* or *Principes*: Those who studied to gain the favour of the multitude were called **POPULARES**, of whatever order they were. Cic. pro Sext. 45. This was a division of factions and not of rank or dignity. The contests betwixt these two parties excited the greatest commotions in the state, which finally terminated in the extinction of liberty.

II. GENTES and FAMILIÆ, NAMES of the Romans; INGENUI and LIBERTINI, &c.

The Romans were divided into various clans, (**GENTES**), and each *gens* into several families. (in *FAMILIAS* v. *Stirpes*.) Thus in the *Gens Cornelia*, were the families of the *Scipiones*, *Lentuli*, *Cethēgi*, *Dolabellæ*, *Cinnæ*, *Syllæ*, &c. Those of the same *gens* were called **GENTILES**, c. 6. and those of the same family, **AGNATI**. Cic. *Top.* Festus, in voce *Gentilis*. But relations by the father's side were also called *Agnati*, to distinguish them from *Cognati*, relations by the mother's side as well as by the father's.

Anciently Patricians only were said to have a *gens*, Liv. x. 8. Hence some Patricians were said to be *majorum gentium*, and others *minorum gentium*. Cic. div. ix. 21. But when the Plebeians obtained the right of intermarriage with the Patricians, and access to the honours of the State, they likewise received the rights of *gentes*, (*jura gentium*, vel *gentilia*;) which rights were then said to be confounded by these innovations, Liv. iv. 1. &c. Hence, however, some *gentes* were Patrician, and others Plebeian; and sometimes in the same *gens* there were some families of Patrician rank, and others of Plebeian. Suet. Tib. 1.

To mark the different *gentes* and *familie*, and to distinguish

distinguish the individuals of the same family, the Romans, at least the more noble of them, had commonly three names, the *Prænomen*, *Nomen*, and *Cognomen*. Juv. Sat. v. 126.

The *PRÆNOMEN* was put first, and marked the individual. It was commonly written with one letter; as, *A. Aulus*; *C. Caius*; *D. Decimus*; *K. Keso*; *L. Lucius*; *M. Marcus*; *M. Manius*; *N. Numerius*; *P. Publius*; *Q. Quintus*; *T. Titus*: Sometimes with two letters; as, *App. Appius*; *Cn. Cneius*; *Sp. Spurius*; *Ti. Tiberius*: and sometimes with three; as, *Mam. Mamercus*; *Ser. Servius*; *Sex. Sextus*.

The *NOMEN* was put after the *Prænomen*, and marked the *gens*, and commonly ended in *ius*; as, *Cornelius*, *Fabius*, *Tullius*, *Julius*, *Octavius*, &c.

The *COGNOMEN* was put last, and marked the *familia*; as, *Cicero*, *Cæsar*, &c.

Thus in *Publius Cornelius Scipio*, *Publius* is the *Prænomen*, *Cornelius* the *Nomen*, and *Scipio* the *Cognomen*.

Some gentes seem to have had no surname; as, the *Marian*: Thus, *C. Marius*. *Gens* and *familia* seem sometimes to be put the one for the other: Thus, *Fabia gens*, v. *familia*, Liv. ii. 49.

Sometimes there was also a fourth name called the *AGNOMEN* or *Cognomen*, added from some illustrious action or remarkable event. Thus *Scipio* was named *Africanus*, from the conquest of Carthage and Africa. On a similar account, his brother *Lucius Cornelius Scipio* was named *Asiaticus*. So *Quintus Fabius Maximus* was called *Cunctator*, from his checking the impetuosity of Hannibal by declining battle. We find likewise a second *Agnomen* or *Cognomen* added; thus, the latter *Publius Cornelius Scipio Africanus* is called *Æmilianus*, because he was the son of *L. Æmilius Paulus*, and adopted by the son of the great *Scipio*, who had no children of his own. But he is commonly called by authors *Africanus Minor*, to distinguish him from the former *Scipio Africanus*.

The Romans at first seem to have had but one name; as,

as, *Romulus*, *Remus*, &c. or two; as, *Numa Pompilius*, *Tullus Hostilius*, *Ancus Martius*, *Tarquinius Priscus*, *Servius Tullius*, *Sextus Tarquinius*. But when they were divided into tribes or clans and families, (*in gentes et familias*;) they began commonly to have three; as, *L. Junius Brutus*, *M. Valerius Poplicola*, &c.

The three names, however, were not always used; commonly two, and sometimes only one, namely the surname. Sall. Cat. 17; Cic. Epist. passim. But in speaking to any one, the *prænomen* was generally used, as being peculiar to citizens; for slaves had no *prænomen*. Hence *Gaudent prænominē molles auriculæ*. Hor. Sat. ii. 32.

The surnames were derived from various circumstances, either from some quality of the mind; as *Cato* from wisdom, i. e. *Catus*, wise, Cic. de Sen. 2. &c. or from the habit of the body, as *Calvus*, *Græssus*, *Macer*, &c. or from cultivating particular fruits, as *Lentulus*, *Piso*, *Cicero*, &c. Certain surnames sometimes gave occasion to jests and witty allusions; thus, *Asina*, Hor. Ep. i. 13. So *Serranus Calatinus*; Cic. pro Sext. 33. Hence also in a different sense Virgil says, *Vet te fulco*, Serrane, *serrentem*. Æn. vi. 844.

The *Prænomen* used to be given to boys on the 9th day, which was called *dies lustricus*, or day of purification, when certain religious ceremonies were performed. The eldest son of the family usually got the *Prænomen* of his father; the rest were named from their uncles or other relations.

When there was only one daughter in a family, she used to be called from the name of the *gens*; thus, *Tullia*, the daughter of Cicero; *Julia*, the daughter of Cæsar; *Octavia*, the sister of Augustus, &c. and they retained the same name after they were married. When there were two daughters, the one was called *Major* and the other *Minor*; thus, *Cornelia Major*, *Cornelia Minor*. If there were more than two, they were distinguished by their number; thus, *Prima*, *Secunda*, *Tertia*, *Quarta*, *Quinta*, &c. or more softly, *Quartilla*, *Quintilla*.

Quintilla, &c. Suet. Jul. 50. Women seem anciently to have also had prænomens, which were marked with inverted letters; thus, *Q.* for *Caia*, *T.* for *Lucia*, &c.

During the flourishing state of the republic, the names of the *gentes* and surnames of the *familia* always remained fixed and certain. They were common to all the children of a family, and descended to their posterity. But after the subversion of liberty they were changed and confounded.

Those were called **LIBERI**, free, who had the power of doing what they pleased. Those who were born of parents who had been always free, were called **INGENUI**. Slaves made free were called **LIBERTI** and **LIBERTINI**. They were called *Liberti* in relation to their masters, and *Libertini* in relation to free-born citizens; thus, *Libertus meus*, *libertus Cæsaris*, and not *libertinus*; but *libertinus homo*, i. e. *non ingenuus*.

Some say that *Libertini* were the sons of the *Liberti*, from Suet. Claud. 24. but this distinction never occurs in the classics. On the contrary, we find both words applied to the same person in writers who flourished in different ages. Plaut. Mil. Glor. iv. 15.; Cic. in Verr. i. 47.

SLAVES.

Men became slaves among the Romans, by being taken in war, by sale, by way of punishment, or by being born in a state of servitude. (*Servi aut nascabantur aut fiebant.*)

1. Those enemies who spontaneously laid down their arms and surrendered themselves, retained the rights of freedom, and were called **DEDITITII**: But those taken in the field, or in the storming of cities, were sold by auction, (*sub corona*, as it was termed, Liv. v. 22. &c. because they wore a crown when sold; or *sub hasta*, be-
cause

cause a spear was set up where the crier or auctioneer stood.) They were called SERVI, (*quod essent bello servati,*) or MANCIPIA, (*quasi manu capti.*)

2. There was a continual market for slaves at Rome. Those who dealt in that trade (MANGONES vel VERNALITII, Cic. Orat. 70.) brought them thither from various countries. The seller was bound to promise for the soundness of his slaves, and not to conceal their faults. Hor. Sat. ii. 3. v. 285. Hence they were commonly exposed to sale (*producebantur*) naked; and they carried a scroll (*titulum*) hanging at their necks, on which their good and bad qualities were specified. Aul. Gell. iv. 2. If the seller gave a false account, he was bound to make up the loss, Cic. Off. iiii. 16 & 17.; or in some cases to take back the slave. Ibid. 23. Those whom the seller would not warrant, were sold with a kind of cap on their head, (*pileati*, Gell. vii. 3.)

Those brought from beyond seas had their feet whitened with chalk, (*cretatis v. gypsatis pedibus*, Plin. Nat. Hist. xxxv. 17.; Tibull. iii. 3.) and their ears bored, (*auribus perforatis.*) Juv. i. 104. Sometimes slaves were sold on that condition, that if they did not please, they should be returned (*redhiberentur*) within a limited time.

It was not lawful for free born citizens among the Romans, as among other nations, to sell themselves for slaves. Much less was it allowed any other person to sell free men. But as this gave occasion to certain frauds, it was ordained by a decree of the Senate, that those who allowed themselves to be sold for the sake of sharing the price, should remain in slavery. Fathers might indeed sell their children for slaves, but these did not on that account entirely lose the rights of citizens. For when freed from this slavery, they were held as *Ingenui* not *Libertini*. The same was the case with insolvent debtors, who were given up as slaves to their creditors. (*in servitutem creditoribus addicti.*)

3. Criminals were often reduced to slavery by way of punishment. Thus those who had neglected to get themselves

themselves enrolled in the Censors books, or refused to enlist, (*qui censum aut militiam subterfugerant*,) had their goods confiscated, and after being scourged, were sold beyond the Tiber. Cic. *pro Cæcina*, 24. Those condemned to the mines, or to fight with wild beasts, or to any extreme punishment, were first deprived of liberty, and by a fiction of law termed slaves of punishment. (*servi pæne fingeantur*.)

4. The children of any female slave became the slaves of her master. There was no regular marriage among slaves, but their connection was called **CONTUBERNIUM**, and themselves *Contubernales*. Those slaves who were born in the house of their masters, were called **VERNÆ** or *Vernaculi*; hence *lingua vernacula*, *v. -aris*, our mother tongue. These slaves were more petulant than others, because they were commonly more indulged. Hor. Sat. ii. 6. v. 66.

The whole company of slaves in one house was called **FAMILIA**, Nep. Att. 13.; Cic. Parad. v. 2. and the slaves, *Familiares*, Cic. *pro Cæl.* 23.; Plaut. *Amphit.* Prol. Slaves not only did all domestic services, but were likewise employed in various trades and manufactures. Such as had a genius for it, were sometimes instructed in literature and the liberal arts. (*artibus ingenius, liberalibus v. honestis*, Cic.) Hor. Ep. ii. 2. v. 7.

Slaves were promoted according to their behaviour; as from being a drudge or mean slave in town, (*Mediastinus*,) to be an overseer in the country, (*Villicus*). Hor. Ep. i. 14. v. 14.

The country farms of the wealthy Romans in later times were cultivated chiefly by slaves. Plin. xviii. 3. But there were also free men who wrought for hire, as among us, (**MERCENARII**,) Cic. Off. i. 13. *pro Cæcina*. 59.

Among the Romans masters had an absolute power over their slaves. They might scourge or put them to death at pleasure. Juven. Sat. 6. 219. This right was exercised with so great cruelty, especially in the corrupt ages of the republic, that laws were made at different

ferent times to restrain it. The last was the common punishment; but for certain crimes they used to be branded in the forehead, and sometimes were forced to carry a piece of wood round their necks where-ever they went, which was called **FURCA**; and whoever had been subjected to this punishment, was ever afterwards called **FURCIFER**. A slave that had been often beaten was called **MASTIGIA** or **VERBERO**. A slave who had been branded, was called **STIGMATIAS**, v. *-icus*, i. e. *notis compunctus*, Cic. Off. ii. 7.; *Inscriptus*, Mart. viii. 75. 9.; *Literatus*, Plaut. Cas. ii. 6. 49. Slaves also by way of punishment were often shut up in a work-house or bridewell, (in **PISTRINO**,) where they were obliged to turn a mill for grinding corn. Plaut. et Ter. passim.

Slaves when punished capitally were commonly crucified, Juv. vi. 219.; Cic. in Verr. v. 3. 64. &c. but this kind of punishment was prohibited under Constantine.

If a master of a family was slain at his own house, and the murderer not discovered, all his domestic slaves were liable to be put to death. Hence we find no less than 400 in one family punished on this account. Tac. Ann. xiv. 43.

Slaves were not esteemed as persons, but as things, and might be transferred from one owner to another, like any other effects.

Slaves could not appear as witnesses in a court of justice, Ter. Phorm. ii. 1. 62. nor make a will, Plin. Ep. viii. 16. nor serve as soldiers, Id. x. 39. unless first made free, Serv. in Virg. Æn. ix. 547. except in the time of Hannibal, when after the battle of Cannæ 8000 slaves were armed without being freed. Liv. xxii. 57. These were called **VOLONES**, because they enlisted voluntarily, Festus; and afterwards obtained their freedom for their bravery. Liv. xxiv. 16.

Slaves had a certain allowance granted them for their sustenance, (**DIMENSUM**,) commonly four or five bushels of grain a-month, and five denarii, which was called

called their **MENSTRUUM**; they likewise had a daily allowance, (**DIARIUM**. Hor. Ep. i. 14. 40.) And what they spared of this, or procured by any other means by their master's consent, was called their **PECULIUM**. This money, with their master's permission, they laid out at interest, or purchased with it a slave for themselves, from whose labour they might make profit. Such a slave was called *Servi* **VICARIUS**, Hor. Sat. ii. 7. 79. and constituted part of the *peculium*, with which also slaves sometimes purchased their freedom.

Although the state of slaves in point of right was the same, yet their condition in families was very different, according to the pleasure of their masters and their different employments. Some were treated with indulgence; some served in chains, as janitors and door-keepers, (*ostiarii*;) and so in the country, *catenati cultores*, Flor. iii. 19. *Vincti fossores*, Lucan. vii. 402. others were confined in work-houses below ground, (*in ergastulis subterraneis*.)

At certain times slaves were allowed the greatest freedom; as at the feast of Saturn in the month of December, Hor. Sat. ii. 7. v. 4. when they were served at table by their masters, Auson. de Fer. Rom. ii. 15. and on the Ides of August. Festus.

The number of slaves in Rome and through Italy was immense. Juv. iii. 140. Some rich individuals are said to have had several thousands. Seneca de Tranq. an. viii. Wars were sometimes excited by an insurrection of the slaves. Flor. iii. 19. & 20.

There were also public slaves, who were used for various public services, and especially to attend on the magistrates. Their condition was much more tolerable than that of private slaves. They had yearly allowances (**ANNUA**) granted them by the public. Plin. Epist. x. 40.

There were also persons attached to the soil, (**ANSCRIPTITII**, vel *gleba adscripti*;) concerning the state of whom writers are not agreed.

Slaves anciently bore the prænomen of their master; thus, *Marcipöres, Lucipöres, Publipöres, (quasi Marci, Lucii, Publii pueri, &c.)* Afterwards they got various names, either from their country or from other circumstances; as, *Syrus, Davus, Geta, Parmëno, &c.* in comic writers: *Tiro, Laurea, Disnyssus, &c.* in Cicero. But slaves are usually distinguished in the classics by their different employments.

Slaves were anciently freed by three ways, *Censu, Vindicatâ, et Testamento.* Cic. Top. 2.

1. *Per CENSUM*, when a slave with his master's knowledge, or by his order, got his name inserted in the Cenſor's roll.

2. *Per VINDICTAM*, when a master going with his slave in his hand to the Prætor or Consul, and in the provinces to the Proconsul or Proprætor, said, "I desire" that this man be free according to the custom of the "Romans;" *HUNC HOMINEM LIBERUM ESSE VOLO MORE VEL JURE QUIRITUM*; and the Prætor, if he approved, putting a rod on the head of the slave, pronounced, "I say that this man is free after the manner" of the Romans." Whereupon the Licitor or the master turning him round in a circle, (which was called *VERTIGO*, Perf. Sat. v. 75.) and giving him a blow on the cheek, let him go, (*e manu mittebat*), signifying, that leave was granted him to go where he pleased. The rod with which the slave was struck was called *VINDICTA*, from *Vindicus* or *Vindex* a slave of the *Vitellii*, who informed the Senate concerning the conspiracy of the sons of Brutus and others to restore the Tarquins, and who is said to have been first freed in this manner; whence also perhaps *Vindicare in libertatem*, to free.

3. *Per TESTAMENTUM*, when a master gave his slaves their liberty by his will. If this was done in express words, (*verbis directis*), as for example, *DAVUS SERVUS MEUS LIBER ESTO*; such freed men were called *ORCINI* or *Charonitæ*, because they had no patron but in the infernal regions. In allusion to which, those

unworthy

unworthy persons who got admission into the Senate after the death of Cæsar, were by the vulgar called SENATORES ORCINI. Suet. Aug. 35. But if the Testator signified his desire by way of request, (*verbis precativis*,) thus, ROGO HEREDEM MEUM, UT DAVUM MANUMITTAT; the heir (*heres fiduciarius*) retained the rights of patronage.

Liberty procured in any of these methods was called JUSTA LIBERTAS.

In later times slaves used to be freed by various other methods; by letter, (*per epistolam*;) among friends, (*inter amicos*,) if before five witnesses a master ordered his slave to be free; or by table, (*per mensam*,) if a master bid his slave recline at meat with him, Plin. Epist. vii. 16. for it was thought disgraceful to eat with slaves and mean persons, and benches (*subsellia*) were assigned them, not couches. Hence *imi subsellii vir*, a person of the lowest rank, Plaut. Stich. iii. 4. v. 32. There were many other methods of freeing slaves, but these did not confer complete freedom.

Anciently the condition of all freed slaves was the same; they obtained the freedom of the city with their liberty, Cic. pro Balbo 9. according to the institution of Servius Tullius. Dionys. 44. They were, however, distributed among the four city tribes as being more ignoble Liv. Epit. xx. But afterwards when many worthless and profligate persons, being freed by their masters, thus invaded the rights of citizens, various laws were made to check the licence of manumitting slaves. No master was allowed to free by his will above a certain number, in proportion to the number he had; but not above 100, if he had even 20,000. Augustus ordained by a law called *Ælia Sentia*, that no slave who had ever for the sake of a crime been bound, publicly whipt, tortured, or branded in the face, although freed by his master, should obtain the freedom of the city, but should always remain in the state of the *Dedititii*, who were indeed free, but could not aspire to the advantages of Roman citizens.

Afterwards by the law called *Junia Norbana*, because passed in the consulship of L. Junius Norbanus, A. U. 711, those freed *per epistolam, inter amicos*, or by the other less solemn methods, did not obtain the rights of Roman citizens; but of the Latins who were transplanted into colonies. Hence they were called LATINI JUNIANI. These sometimes obtained the full rights of Roman citizens, either by the *Vindicta*, Plin. Ep. x. 4. or from the Emperors on various accounts, Plin. Ep. vii. 16.; Suet. Claud. 19. But Justinian took away all these distinctions.

Slaves when made free used to shave their heads in the temple of Feronia, and received a cap or hat as a badge of liberty. Serv. ad. Virg. *Æn.* viii. 564; Liv. xlv. 14. Hence *Ad pileum servum vocare*, for *ad libertatem*. Liv. *ibid.* They also were presented with a white robe and a ring by their master. They then assumed a *Prænomen*, and prefixed the name of their patron to their own. Thus, *Marcus Tullius Tiro*, the freedman of Cicero. In allusion to which Persius says, *Verterit hunc Dominus; memento turbinis exit* MARCUS Dama. Sat. v. 77. Hence *Tanquam habeas tria nomina*, for *tanquam liber sis*. Juv. v. 120.

Patrons retained various rights over their freedmen. If the patron was reduced to poverty, the freedman was bound, in the same manner, as a son to support him, according to his abilities. And if a patron failed to support his freed man when poor, he was deprived of the rights of patronage.

If a freedman died intestate, without heirs, the patron succeeded to his effects.

Those freedmen who proved ungrateful to their patrons, were condemned to the mines (*ad lautumnias*;) and the Emperor Claudius by a law reduced them to their former slavery. (*in servitutem revocavit.*) Suet. Claud. 25. (*Libertum, qui probatus fuerit patrono delatores summisse, qui de statu ejus facerent ei quaestionem, servum patroni esse jussit.* L. 5. Dig. de jure Patron.)

RIGHTS of ROMAN CITIZENS,
and of the different Inhabitants of the
ROMAN EMPIRE.

While Rome was but small and thinly inhabited, whoever fixed their abode in the city or Roman territory, obtained the rights of citizens.

To increase the number of citizens, Romulus opened an *asylum* or sanctuary for fugitive slaves, insolvent debtors and malefactors, whither great numbers flocked from the neighbouring states, Liv. i. 8. because no one could be taken from thence to punishment. Id. xxxv. 51.; Tac. Ann. iii. 60. Even vanquished enemies were transplanted to Rome and became citizens. In this manner the freedom of the city was granted by Romulus to the *Cæninenses*, *Camerini*, *Antemnates*, *Crustumini*, and at last also to the *Sabines*. This example was imitated by his successors, who transplanted the *Albans* and other vanquished tribes to Rome. Liv. i. 29. 33. Likewise after the expulsion of the kings, the freedom of the city was given to a great many, especially after the taking and burning of the city by the Gauls; at which time, that it might be rebuilt with more splendor, new citizens were assumed from the *Veientes*, *Capenates*, and *Falisci*. Liv. vi. 4.

Besides those who had settled in the Roman territory, and who were divided into city and country tribes, the freedom of the city was granted to several foreign towns, which were called **MUNICIPIA**, and the inhabitants **MUNICIPES**, because they might enjoy offices at Rome, (*munia v. munera capere poterant.*) When any of these fixed their abode at Rome, they became *Cives Ingenui*. Cic. Brut. 75.; de Leg. ii. 2. Hence it hap-

pened that the same person might enjoy the highest honours both at Rome and in his own free town. Thus Milo, while he stood candidate for the Consulship at Rome, was Dictator in his own native city Lanuvium. Cic. pro Mil. 37.

But when the Roman empire was more widely extended, and the dignity of a Roman citizen of course began to be more valued, the freedom of the city (*jus civitatis*) was more sparingly conferred, and in different degrees, according to the different merits of the allies towards the republic. To some the right of voting (*jus suffragii*) was given, and to others not. The people of Cære were the first who obtained the freedom of the city without the right of voting; for having received the sacred things of the Roman people, the Vestal Virgins and priests, when they fled from the Gauls. A. Gell. xvi. 13. The freedom of the city was soon after given in this manner to the people of Capua, Fundi, Formiæ, Cumæ, and Sinuessæ, Liv. viii. 14. to the inhabitants of Acerra, ibid. 17. and of Anagnia, &c.

The inhabitants of Lanuvium, Aricia, Nomentum, Pedum, received the freedom of the city with the right of voting. Liv. viii. 14. But several cities of the Hernici preferred their own laws. Liv. ix. 43. In process of time this right was granted to all the allies of the Latin name; and after the Social or Italian war, it was communicated to all the Italians south of the river Rubicon on the upper sea, and of the city Luca on the lower sea. Afterwards the same right was granted to Cisalpine Gaul, which hence began to be called *Gallia Togata*. Augustus was very sparing in conferring the freedom of the city; but the succeeding Emperors were more liberal, and at different times granted it to different cities and nations. At last Caracalla granted the freedom of Roman citizens to all the inhabitants of the Roman world.

Those who did not enjoy the right of citizens were anciently called HOSTES and afterwards PEREGRINI. Cic. Off. i. 12. After Rome had extended her empire,

empire, first over Latium, then over Italy, and lastly over great part of the world, the rights which the subjects of that empire enjoyed came to be divided into four kinds, which may be called *Jus Quiritium*, *Jus Latii*, *Jus Italicum*, *Jus Provinciarum* vel *Provinciale*.

JUS QUIRITIUM comprehended all the rights of Roman citizens, which were different at different times. The rights of Roman citizens were either private or public: The former were properly called *Jus Quiritium*, and the latter *Jus Civitatis*. *Plin. Ep. x. 4. 22.* *Cic. in Rull. ii. 19.*

I. PRIVATE RIGHTS OF ROMAN Citizens.

The private rights of Roman citizens were, 1. *Jus Libertatis*, the right of liberty; 2. *Jus Gentilitatis et familiae*, the right of family; 3. *Jus Connubii*, the right of marriage; 4. *Jus Patriam*, the right of a father; 5. *Jus Domini Legitimi*, the right of legal property. 6. *Jus Testamenti et Hereditatis*, the right of making a will and of succeeding to an inheritance; 7. *Jus Tutelæ*, the right of tutelage or wardship.

1. The RIGHT OF LIBERTY.

This comprehended LIBERTY, not only from the power of masters, (*Dominorum*,) but also from the dominion of tyrants, the severity of magistrates, the cruelty of creditors, and the insolence of more powerful citizens.

After the expulsion of Tarquin, a law was made by Brutus, that no one should be king at Rome, and that whoever should form a design of making himself king, might

might be slain with impunity. At the same time the people were bound by an oath, that they would never suffer a king to be created.

Roman citizens were secured against the tyrannical treatment of magistrates, first by the right of appealing from them to the people, and that the person who appealed, should in no manner be punished till the people determined the matter; but chiefly by the assistance of their tribunes.

None but the whole Roman people in the *Comitia Centuriata* could pass sentence on the life of a Roman citizen. No magistrate was allowed to punish him by stripes or capitally. The single expression, "I AM A ROMAN CITIZEN," checked their severest decrees. Cic. in Verr. v. 54. & 57. &c. Hence *QUIRITARE dicitur, qui Quiritium fidem clamans implorat*. Varro de Lat. Ling. v. 7.; Cic. ad Fam. x. 32.; Liv. xxxix. 8.

By the laws of the twelve tables it was ordained, that insolvent debtors should be given up (*addicerentur*) to their creditors to be bound in fetters and cords, (*compedibus et nervis*,) whence they were called *NEXI, OBÆRATI, et ADDICTI*. And although they did not entirely lose the rights of freemen, yet they were in actual slavery, and often treated more harshly than even slaves themselves. Liv. ii. 23.

If any one was indebted to several persons, and could not find a cautioner (*vindex vel expromissor*) within sixty days, his body (*corpus*) literally, according to some, but more probably according to others, his effects, might be cut in pieces, (*secari*,) and divided among his creditors. A. Gell. xx. 1. Thus *sectio* is put for the purchase of the whole booty of any place, or of the whole effects of a proscribed or condemned person, Cic. Phil. ii. 26. or for the booty or goods themselves, Cæsar de Bell. Gall. ii. 33.; Cic. Inv. i. 45. and *sectores* for the purchasers, Cic. Rosc. Amer. 29.; Verr. i. 23. because they made profit by selling them in parts.

To check the cruelty of usurers, a law was made A. U. 429. whereby it was provided, that no debtors should

should be kept in irons or in bonds; that the goods of the debtor, not his person, should be given up to his creditors. Liv. viii. 28.

But the people not satisfied with this, as it did not free them from prison, often afterwards demanded an entire abolition of debts, which they used to call NEW TABLES. But this was never granted them. At one time, indeed, by a law passed by Valerius Flaccus, silver was paid with brass, as it is expressed, Sall. Cat. 33. that is, the fourth part of the debt only was paid; as for a *sestertius*, and a *sestertius* for a *denarius*: or 25 for 100, and 250 for 1000. Julius Cæsar, after his victory in the civil war, enacted something of the same kind, Cæs. bell. civ. liii. 17; Suet. Jul. 42.

2. The RIGHT of FAMILY.

Each *gens* and each family had certain sacred rites peculiar to itself, which went by inheritance in the same manner as effects. When heirs by the father's side of the same family (*agnati*) failed, those of the same *gens* (*gentiles*) succeeded, in preference to relations by the mother's side (*cognati*) of the same family. No one could pass from a Patrician family to a Plebeian, or from a Plebeian to a Patrician, unless by that form of adoption, which could only be made at the *Comitia Curiata*. Thus Clodius, the enemy of Cicero, was adopted by a Plebeian, that he might be created a tribune of the commons.

3. The RIGHT of MARRIAGE.

No Roman citizen was permitted to marry a slave, a barbarian, or a foreigner, unless by the permission of the people; as Liv. xxxviii. 36. *CONNUBIUM est matrimonium inter cives; inter servos autem, aut inter civem et peregrinam conditionis hominem, aut servilis, non est Connubium.*

Connubium, *sed* CONTUBERNIUM. Boeth. in Cic. Top. 4. By the laws of the *Decemviri*, intermarriages betwixt the Patricians and Plebeians were prohibited. But this restriction was soon abolished. Liv. iv. 6. Afterwards, however, when a Patrician lady married a Plebeian, she was said *Patribus enubere*, and was excluded from the sacred rites of Patrician ladies. Liv. xl. 23. When any woman married out of her clan, it was called *Gentis enuptio*; which likewise seems anciently to have been forbidden. Liv. xxxix. 19. The different kinds of marriage, &c. will be treated of afterwards.

4. The RIGHT of a FATHER.

A father among the Romans had the power of life and death over his children. He could not only expose them when infants, which cruel custom prevailed at Rome for many ages, as among other nations; Cic. de leg. iii. 8.; Ter. Heaut. iv. 1.; Suet. Octav. 65.; Calig. 5.; Tacit. Hist. v. 5. and a new born infant was not held legitimate, unless the father, or in his absence some person for him, lifted it from the ground, (*terra levasset*;) and placed it on his bosom; hence *tollere filium*, to educate; *non tollere*, to expose: But even when his children were grown up, he might imprison, scourge, send them bound to work in the country, and also put them to death by any punishment he pleased, if they deserved it. Sall. Cat. 39. Hence a father is called a *domestic judge* or *magistrate* by Seneca; and a *censor of his son* by Sueton. Claud. 15. A son could acquire no property but with his father's consent; and what he did thus acquire was called his PECULIUM, as of a slave: If he acquired it in war, it was called PECULIUM CASTRENSE. The condition of a son was in some respects harder than that of a slave. A slave when sold once became free; but a son not, unless sold three times. The power of the father was suspended, when the son was promoted to any public office, but not extinguished: For it continued

nued not only during the life of the children, but likewise extended to grandchildren and great grandchildren. None of them became their own masters, (*sui juris*,) till the death of their father and grandfather. A daughter by marriage passed from the power of her father under that of another.

EMANCIPATION and ADOPTION.

When a father wished to free his son from his authority, (EMANCIPARE,) it behoved him to bring him before the Prætor or some magistrate, (*apud quem legis actio erat*,) and there sell him three times, PER ÆS ET LIBRAM, as it was termed, to some friend, who was called PATER FIDUCIARIUS, because he was bound after the third sale to sell him back (*remancipare*) to the natural father. There were besides present a LIBRIPENS, who held a brazen balance; five witnesses, Roman citizens, past the age of puberty; and an *antestator*, who is supposed to be so named, because he summoned the witnesses by touching the tip of their ears. Hor. Sat. i. 9. v. 76. In the presence of these the natural father gave over (*mancipabat*, i. e. *manu tradebat*) his son to the purchaser, adding these words, MANCUPO TIBI HUNC FILIUM, QUI MEUS EST. Then the purchaser holding a brazen coin, (*sestertium*,) said, HUNC EGO HOMINEM EX JURE QUIRITIUM MEUM ESSE AIO, ISQUE MIHI EMPTUS EST HOC ÆRE, ÆNEAQUE LIBRA: and having struck the balance with the coin, gave it to the natural father by way of price. Then he manumitted the son in the usual form. But as by the principles of the Roman law, a son, after being manumitted once and again, fell back into the power of his father; this imaginary sale was thrice to be repeated, either on the same day and before the same witnesses, or on different days and before different witnesses; and then the purchaser, instead of manumitting him, which would have conferred a *jus patronatus* on himself,

himself, sold him back to the natural father, who immediately manumitted him by the same formalities as a slave. Thus the son became his own master. (*sui iuris factus est.*)

The custom of selling *per as vel assem et libram*, took its rise from this, that the ancient Romans when they had no coined money, Liv. iv. 60. and afterwards when they used *asses* of a pound weight, weighed their money, and did not count it.

In emancipating a daughter or grandchildren, the same formalities were used, but only once, (*unica mancipatio sufficiebat*;) they were not thrice repeated as in emancipating a son. But these formalities, like others of the same kind, in process of time came to be thought troublesome. Athanasius, therefore, and Justinian invented new modes of emancipation. Athanasius appointed, that it should be sufficient if a father showed to a judge the rescript of the Emperor for emancipating his son; and Justinian, that a father should go to any magistrate competent, and before him, with the consent of his son, signify that he freed his son from his power, by saying, *HUNC SUI JURIS ESSE PATIOR, MEAQUE MANU MITTO.*

When a man had no children of his own, lest his sacred rites and name should be lost, he might assume others (*extraneos*) as his children by adoption.

If the person adopted was his own master, (*sui iuris*;) it was called *ARROGATIO*, and was made at the *Comitia Curiata*.

If he was the son of another, it was properly called *ADOPTIO*, and was performed before the *Prætor* or President of a province, or any other magistrate, (*apud quem legis actio erat.*) The same formalities were used as in emancipation. It might be done in any place. Suet. Aug. 64. The adopted passed into the family, the name, and sacred rites of the adopter, and also succeeded to his fortune.

5. The RIGHT of PROPERTY.

Things with respect to property among the Romans were variously divided. Some things were said to be of **DIVINE RIGHT**, others of **HUMAN RIGHT**: The former were called *sacred*, (*res SACRÆ*;) as, *Altars, temples*, or any thing publicly consecrated to the gods by the authority of the pontiffs: or *religious*, (*RELIGIOSÆ*;) as, *Sepulchres, &c.*: or *inviolable*, (*SANCTÆ*, i. e. *aliqua sanctione munitæ*;) as, the walls and gates of a city.

These things were subject to the law of the pontiffs, and the property of them could not be transferred. Temples were rendered sacred by inauguration, that is, by being consecrated by the augurs. Temples were supposed to belong to the gods, and could not be the property of a private person. Things ceased to be sacred by being unhallowed, (*exauguratione*, Liv. i. 55.)

Any place became *religious* by interring a dead body in it.

Sepulchres were held religious because they were dedicated to the infernal gods. (*Diis manibus v. inferis*.) No sepulchre could be built or repaired without the permission of the pontiffs; nor could the property of sepulchres be transferred, but only the right of burying in them, (*jus mortuum inferendi*.) The walls of cities were also dedicated by certain solemn ceremonies, and therefore they were held inviolable, (*sancti*), and could not be raised or repaired without the authority of the pontiffs.

Things of human right were called *Profane*, (*res PROFANÆ*;) and were either **PUBLIC** and **COMMON**; as, *the air, running water, the sea, and its shores, &c.* Virg. *Æn.* vii. 229.; or **PRIVATE**, which might be the property of individuals.

Some make a distinction betwixt things common and public; but most writers do not. The things, of which

a whole society or corporation had the property, and each individual the use, were called RES UNIVERSITATIS, or more properly RES PUBLICÆ; as, theatres, baths, highways, &c. : And those things were called RES COMMUNES, which either could be the property of no one, as the air, light, &c. Ovid. Met. i. 135. vi. 349. or which were the joint property of more than one; as, a common wall, a common field, &c.

Things which properly belonged to no body, were called RES NULLIUS; as, parts of the world not yet discovered, animals not claimed, &c. To this class was referred *hereditas jacens*, or an estate in the interval of time betwixt the demise of the last occupier and the entry of the successor.

Things were either MOVEABLE or IMMOVEABLE. The moveable things of a farm were called RUTA CÆSA, *sc. et; i. e. Eruta et cæsa*; as, Sand, coal, stones, &c. which were commonly excepted or retained by the seller. Cic. Top. 26.

Things were also divided into CORPOREAL, i. e. which might be touched, and INCORPOREAL; as, rights, servitudes, &c. The former Cicero calls, *Res, quæ sunt*; the latter, *Res, quæ intelliguntur*. Topic. But others, perhaps more properly, call the former RES, things; and the latter, JURA, rights. Quint. v. 10.

The division of things Horace briefly expresses thus;

Fuit hæc sapientia quondam,

Publica privatis secernere, sacra profanis,

de Art. Poet. 396.

So Corn. Nepos, *in vita Themist. 6.*

Private things (*res PRIVATE*) among the Romans, were either RES MANCIPI, or NEC MANCIPI.

RES MANCIPI were those things which might be sold and alienated, or the property of them transferred from one person to another, by a certain rite used among Roman citizens only; so that the purchaser might take them as it were with his hand, (*manu caperet;*) whence he was called MANCEPS, and the things *res MANCIPI*,

vel *Mancipi*, contracted for *Mancipii*. And it behoved the seller to be answerable for them to the purchaser, to secure the possession, (*periculum judicii, vel auctoritatem, v. evictionem præstare, &c.*)

NEC MANCIPI *res*, were those things which could not be thus transferred; whence also the risk of the thing lay on the purchaser. Thus, *dare mancipio, promittere mancipio*, to secure the property; *accipere mancipio*, to receive a thing on that condition. Plaut. *Perf.* iv. 3. v. 55. &c. whence *mancipium* and *usus* are distinguished: *Vitaque mancipio nulli datur, omnibus usu.* Lucret. iii. v. 985. So *mancipium* and *fructus*. Cic. *Epist.* Fam. vii. 29. 30.

The *res MANCIPI* were 1. Farms, either in town or country within Italy; (*Prædia Urbana et Rustica in solo Italico*;) or in the provinces, if any city or place had obtained the *jus Italicum*. Other farms in the provinces were called *possessionses*, not *prædia*; and because proprietors gave in an account of their families and fortunes to the censors, they were called *Prædia censui censendo*. Cic. *pro Flac.* 32. 2. Slaves; 3. Quadrupeds, trained to work with back or neck, (*dorso vel cervice domiti*;) as, Horses, oxen, asses, mules; but not wild beasts, although tamed; as, Elephants, camels. 4. Pearls, (*margaritæ*;) 5. The rights of country farms, called *servitutes*, (*SERVITUTES*.)

The *servitutes* of farms in the country were, 1. The right of going on foot through the farm of another, (*ITER*;) 2. Of driving a beast, or waggon not loaded, (*ACTUS*;) 3. Of driving loaded waggons, (*VIA*;) 4. Of carrying water, (*AQUÆDUCTUS*;) either by canals or leaden pipes, (*per canales v. fistulas plumbeas*;) Vitruv. viii. 7. The breadth of a *via*, when straight, was eight feet; at a turn, (*in anfractu, v. in flexu*;) sixteen feet; the breadth of an *actus*, four feet; but the breadth of an *iter* is uncertain.

To these *servitutes* may be added, the drawing of water, (*aquæ haustus*;) the driving of cattle to water, (*pecoris*;) E 2

(*pecoris ad aquam appulsus*;) the right of feeding; of making lime, (*calcis coquenda*;) and of digging sand.

Those farms, which were not liable to any servitude, were called *PRÆDIA LIBERA*, *optimo jure v. conditione optima*; those which were, (*quæ serviebant, servitutem debebant, vel servituti erant obnoxia*), *PRÆDIA SERVA*. Cic. in Rull. iii. 2.

Buildings in the city were called *PRÆDIA URBANA*, and were reckoned *res mancipi*, only by accession (*jure fundi*;) for all buildings and lands were called *FUNDI*; but usually buildings in the city were called *Ædes*, in the country *Villæ*. A place in the city without buildings was called *AREA*, in the country *AGER*. A field with buildings was properly called *FUNDUS*.

The servitudes of the *Prædia Urbana* were, 1. *Servitus ONERIS FERENDI*, when one was bound to support the house of another by his pillar or wall; 2. *Servitus TIGNI IMMITTENDI*, when one was bound to allow a neighbour to drive a beam, a stone, or iron into his wall; for *tignum* among lawyers signified all kind of materials for building.

Anciently, for fear of fire, it was ordered that there should be an interstice left betwixt houses of at least two feet and a half, which was called *AMBITUS* or *ANGIPORTUS* vel *-um*, and this was usually a thoroughfare, but sometimes not. Ter. Adelph. iv. 2. For when Rome came to be crowded with houses, these interstices were only left betwixt some houses. Nero, (after the dreadful fire which happened in his time, restored the ancient mode of building houses distinct from one another. Tac. Ann. xv. 43.

Houses, which were not joined by common walls with the neighbouring houses, were called *INSULÆ*. Festus. Sometimes *domus* and *insula* are distinguished. Suet. Ner. 16. & 38. where *domus* is supposed to signify the houses of the great, and *insula* those of the poorer citizens. But anciently this was not the case, rather the contrary; as, *Insula Clodii, Luculli*, &c. Cic. Under

der the emperors; any lodgings (*hospitia*) or houses to be let; (*Ædes mercede locandæ*, v. *domus conductilæ*;) were called *insula*, and the inhabitants of them *Inquilini* or *Insularii*, which last name is also applied to those who were appointed to guard the *genii* of each *insula*. The proprietors of the *insula* were called *DOMINI INSULARUM*; Suet. Jul. 41.; Tib. 48.; and their agents *procuratores insularum*. For want of room in the city, they were commonly raised to a great height by stories, (*contignationibus* v. *tabulatis*;) which were occupied by different families, and at a great rent. Juv. iii. 166. The upmost stories or garrets were called *cenacula*. He who rented (*mercede conducebat*) an *insula*, or any part of it, was called *inquilinus*. Hence Catiline contemptuously calls Cicero, *Inquilinus civis urbis Romæ*. Sall. Cat. 31.

There was also, 3. *Servitus STILLICIDII ET FLUMINIS*, whereby one was obliged to let the water, which fell from his house, into the garden or area of his neighbour; or to receive the water which fell from his neighbour's house into his area. 4. *Servitus CLOACÆ*, the right of conveying a private common shore through the property of a neighbour, into the *Cloaca maxima* built by Tarquin. 5. *Servitus NON ALTIUS TOLLENDI*, whereby one was bound not to raise his house above a certain height, so as not to obstruct the prospect and lights of his neighbour. The height of houses was limited by law. Suet. Aug. 89.; Tac. Ann. xv. 43. There was also a servitude, that one should not make new windows in his wall; *LUMINA UTI NUNC SUNT, ITA SINT*, Cic. de Orat. i. 39.

These servitudes of city properties, some annex to *res mancipi*, and some to *res nec mancipi*.

MODES of acquiring PROPERTY.

The transferring of the property of the *res mancipi*, (*ABALIENATIO*; vel *translatio dominii*, v. *proprietas*),

tatis,) was made by a certain act, called MANCIPATIO or MANCIPIUM, (Cic. Off. iii. 16. ; de Orat. i. 39.) in which the same formalities were observed as in emancipating a son, only that it was done but once. This Cicero calls *translatio alteri nexu*.

Cicero commonly uses *mancipium* and *nexum* or *-us* as of the same import ; pro Muren. 2. ; pro Flacc. 32. ; Cæc. 26. ; but sometimes he distinguishes them ; as, de Har. resp. 7. where *mancipium* implies complete property, and *nexus* only the right of obligation, as when one receives any thing by way of a pledge. Thus a creditor had his insolvent debtor *jure nexi*, but not *jure mancipii*, as he possessed his slave.

There were various other modes of acquiring legal property ; as, 1. JURE CESSIO, or CESSIO IN JURE, Cic. Top. 5. when a person gave up his effects to any one before the prætor or president of a province, who adjudged them to the person who claimed them, (*vindicanti addicebat*,) which chiefly took place in the case of debtors, who, when they were insolvent, gave up their goods (*bona cedebant*) to their creditors.

2. USUCAPTIO vel USUCAPIO, Cic. Cæcin. 26. ; Leg. i. 21. and also *usus auctoritas*, when one obtained the property of a thing, by possessing it for a certain time without interruption, according to the law of the twelve tables, for two years, if it was a farm or immoveable, and for one year if the thing was moveable ; Ut USUS AUCTORITAS, i. e. *jus domini*, FUNDI BIENNII, CÆTERARUM RERUM ANNUS USUS ESSET. But this took place only among citizens. For ADVERSUS HOSTEM, i. e. *peregrinum*, ÆTERNA AUCTORITAS ERAT : sc. *alicujus rei*. Cic. Off. i. 12. i. e. *res semper vindicari poterat a peregrinis, et nunquam usu capi*. Hence Cicero says, *Nihil mortales a diis usucapere possunt*. If there was any interruption in the possession, it was called USURPATIO, which in country farms seems to have been made by breaking off the shoot of a tree. (*surculo defringendo*.) Cic. de Or. iii. 28. But afterwards a longer time was necessary to constitute prescription,

tion, especially in the provinces, namely ten years among those who were present, and twenty years among those who were absent. Sometimes a length of time was required beyond remembrance. This new method of acquiring property by possession, was called *LONGA POSSESSIO* *CAPIO*, or *LONGÆ POSSESSIO* *ONIS PRÆROGATIVA*, vel *PRÆSCRIPTIO*.

3. *EMPTIO SUB CORONA*, i. e. purchasing captives in war, who were sold with chaplets on their heads. See p. 33.

4. *AUCTIO*, whereby things were exposed to public sale, (*hasta*, v. *voci præconis subiciebantur*,) when a spear being set up, and a public crier calling out the price, (*præcone pretium proclamante*,) the magistrate who was present adjudged them (*addicebat*) to the highest bidder. Cic. Phil. ii. 26.

The custom of setting up a spear at an auction seems to have been derived from this, that at first only those things which were taken in war were sold in that manner. Hence *hasta* is put for a public sale, and *sub hasta venire*, to be publicly sold.

The day, sometimes the hour, and the terms of the auction used to be advertised, either by a common crier (*a præcone prædicari*, v. *conclamari*,) Plaut. Men. v. 9. v. 94. or in writing, (*tabulâ præscribi*,) Cic. Ep. ad Frat. ii. 6. Hence *tabula* is put for the auction itself. ib. *Tabulam præscribere*, for *auktionem constituere*; *præscribere domum* v. *fundum*, to advertise for sale. Cic. And those whose goods were thus advertised, were said *pendere*. Suet. Claud. 9. and also the goods, *bona suspensa*, because the advertisement (*libellus* v. *tabella*) was affixed to a pillar (*ad pilam* v. *columinam*) in some public place. Sen. de Benef. iv. 12. So *tabulas auctionarias præferre*, v. *tabulam*, to publish, Cic. Cat. ii. 8; Phil. ii. 29. *ad tabulam adesse*, to be present at the sale. pro Quinct. 6.

It behoved the auction to be made in public, Cic. ib. & contr. Rull. i. 3. and there were courts in the forum where auctions were made, (*ATRIA AUCTIONARIA*,)

ARIA,) to which Juvenal is thought to allude, Sat. 7. 7. A money-broker (*argentarius*) also was present, who marked down what was bidden; and to whom the purchaser either paid down the price or gave security for it. Cic. pro Cæc. 6; Quinctil. xii. 2. The sale was sometimes deferred, (*audito proferebatur*). Cic. Att. xiii. 12.

The seller was called AUCTOR, and was said *vendere auctionem*; Cic. pro Quinti. 5. in the same manner as a general, when he sold the whole plunder of a city, was said *vendere sectionem*. Cæf. de b. Gall. ii. 33. The right of property conveyed to the purchaser was called AUCTORITAS; and if that right was not complete, he was said *a malo auctore emere*, to buy from a person who had not a right to sell. Cic. in Verr. v. 22.

5. ADJUDICATIO, which properly took place only in three cases; in *familia herciscunda*, vel *ercto cundo*, i. e. *hereditate dividenda*, Cic. Or. i. 58.; Cæc. 3. in *communi dividendo*, in dividing a joint stock among partners, Cic. Ep. vii. 12. in *finibus regundis*, in settling boundaries among neighbours, Cic. Leg. i. 21. when the judge determined any thing to any of the heirs, partners, or neighbours; of which they got immediate property; but arbiters were commonly appointed in settling bounds. Cic. Top. 10. Sometimes, however, things were said to be adjudged (*adjudicari*) to a person, which he obtained by the sentence of a judge from any cause whatever.

6. DONATIO. Donations which were made for some cause, were called MUNERA; as from a client or freedman to his patron, on occasion of a birth or marriage: those things which were given without any obligation were called DONA; but these words are often confounded.

At first presents were but rarely given among the Romans; but afterwards, upon the increase of luxury, they became very frequent and costly. Clients and freedmen sent presents to their patrons, slaves to their masters, citizens to the emperors and magistrates, friends and relations to one another, and that on various occasions; particularly

particularly on the Kalends of January, called STRE-NÆ; at the feasts of Saturn, and at public entertainments APHORETA; to guests, XENIA; on birthdays, at marriages, &c. Plin. & Martial. passim.

Those things which were acquired by any of the above-mentioned methods, or by inheritance, by adoption, (*arrogantione*), or by law, as, a *legacy*, &c. were said to be IN DOMINIO QUIRITARIO, i. e. *justo et legitimo*: other things were said to be IN BONIS, and the proprietors of them were called BONITARII, whose right was not so good as that of the DOMINI QUIRITARII, *qui optimo jure possidere dicebantur*, who were secure against law-suits. But Justinian abolished these distinctions.

When a person had the use and enjoyment of a thing, but not the property or power of alienating, it was called USUSFRUCTUS, and the person FRUCTUARIUS, or USUFRUCTUARIUS.

6. The RIGHT of TESTAMENT and INHERITANCE.

None but Roman citizens (*sui juris*) could make a will, or be witnesses to a testament, or inherit any thing by testament.

Anciently testaments used to be made at the *Comitia Curiata*, which were in that case properly called *Kalata*.

The testament of a soldier just about to engage, was said to be made IN PROCINCTU, when in the camp, while he was *girding* himself or preparing for battle; in presence of his fellow-soldiers, without writing, he named his heir, (*nuncupavit*). Cic. de nat. D. ii. 3.; de Orat. i. 53.

But the usual method of making a will, after the laws of the twelve tables were enacted, was PER ÆS ET LIBRAM, or *per familiæ emptionem*, as it was called; wherein before five witnesses, a *libripens* and an *antestatus*,

tur, the testator, by an imaginary sale, disposed of his family and fortunes to one who was called **FAMILIÆ EMPTOR**, who was not the heir, as some have thought, Suet. Ner. 4. but only admitted for the sake of form, (*dicis causâ*,) that the testator might seem to have alienated his effects in his lifetime. This act was called **FAMILIÆ MANCIPATIO**, which being finished in due form, the testator, holding the testament in his hand, said, **HÆC, UT IN HIS TABULIS CERISVE SCRIPTA SUNT, ITA DO, ITA LEGO, ITA TESTOR, ITAQUE VOS, QUIRITES, TESTIMONIUM PRÆBITOTE.** Upon which, as was usual in like cases, he gently touched the ears of the witnesses; (*auriculâ tactâ antestabatur, quod in ima aure memoria locus erat.* Plin. xi. 45.) this act was called **NUNCUPATIO TESTAMENTI**. Hence *nuncupare heredem*, for *nominare, scribere, or facere*. Suet. & Plin. passim. But sometimes this word signifies to name one's heir *vivâ voce*, without writing; as Horace is said to have named Augustus just before his death. For the above-mentioned formalities were not always observed; especially in later times. It was reckoned sufficient if one subscribed his will, or even named his heir *vivâ voce* before seven witnesses. Something similar to this seems also to have prevailed anciently, Cic. Verr. i. 45. whence an edict about that matter is called by Cicero **VETUS et TRANSLATICIUM**, as being usual. ib. 44.

Sometimes the testator wrote his will wholly with his own hand, in which case it was called *holographum*. Sometimes it was written by a friend or by others. Plin. Epist. vi. 26. Thus the testament of Augustus was partly written by himself, and partly by two of his freedmen. Suet. Aug. 102. Lawyers were usually employed in writing or drawing up wills. Cic. de Orat. ii. 6.; Suet. Ner. 32. But it was ordained under Claudius or Nero, that the writer of another's testament (called by lawyers *testamentarius*,) should not mark down any legacy for himself. Suet. Ner. 17. When a testament was written by another, the testator wrote below, that he

he had dictated and read it over, (*SE ID DICTASSE ET RECOGNOVISSE*). Testaments were usually written on tables covered over with wax, because in them one could most easily erase what he wished to alter. Quint. x. 3. Hence CERÆ is put for *tabulæ ceratæ* or *tabulæ testamenti*; Juv. i. 63. PRIMA CERÆ for *prima pars tabulæ*, the first part of the will; Hor. Sat. ii. 5. v. 53. and CERA EXTREMA or *ima*, for the last part. Cic. Verr. i. 36.; Suet. Jul. 83. But testaments were called TABULÆ, although written on paper or parchment. Ulpian.

Testaments were always subscribed by the testator, and usually by the witnesses, and sealed with their seals or rings, (*signis eorum obsignabantur*.) Cic. pro Cluent. 13. & 14. and also with the seals of others. Cic. Att. vii. 2.; Suet. Tib. c. ult.; Plin. Ep. ix. 1. They were likewise tied with a thread. It was ordained that the thread should be thrice drawn through holes, and sealed. Suet. Ner. 17.

The testator might unseal (*resignare*) his will, if he wished to alter or revise it, (*mutare vel recognoscere*.) Sometimes he cancelled it altogether; sometimes he only erased (*inducebat* v. *delebat*) one or two names.

Testaments, like all other civil deeds, were always written in Latin. A legacy expressed in Greek was not valid.

There used to be several copies of the same testament. Thus Tiberius made two copies of his will, the one written by himself, and the other by one of his freedmen. Suet. Tib. c. ult.

Testaments were deposited, either privately in the hands of a friend, or in a temple with the keeper of it. (*apud Æditum.*) Thus Julius Cæsar is said to have entrusted his testament to the eldest of the Vestal Virgins. Suet. Jul. 83.

In the first part of a will, the heir or heirs were written thus: TITIUS MIHI HÆRES ESTO, *sic* v. *erit*; or thus, TITIUM HÆREDEM ESSE JUBEO, *vel volo*; also *hæredem facio, scribo, instituo*. If there were several heirs, their different portions were marked. If a per-
son

son had no children of his own, he assumed others, not only to inherit his fortune, but also to bear his name, (*nomen suum ferre*,) as Julius Cæsar did Augustus, (*in familiam nomenque adoptavit, adscivit*. Suet. *Assumpsit*. Plin.)

If the heir or heirs first appointed, (*instituti*,) did not chuse to accept, (*hereditatem adire*, v. *cernere noluissent*,) or died below puberty, others were substituted in their room, called HÆREDES SECUNDI; *secundo loco* v. *gradu scripti* v. *substituti*. Cic. pro Cluent. 11.; Hor. Sat. ii. 5. v. 45.; Suet. Jul. 83.

A man might disinherit (*exheredare*) his own children, one or all of them, and appoint what other persons he pleased to be his heirs; thus, TITIUS FILIUS MEUS EXHÆRES ESTO. Hence Juv. Sat. 10. *Codice suo heredes vetat esse suos*. Sometimes the cause (*ELOGIUM*, i. e. *causa exheredationis*,) was added Cic. pro Cluent. 48.; Quinct. vii. 5. decl. 2. A testament of this kind was called INOFFICIOSUM; and when the children raised an action for rescinding it, it was said to be done *per querelam INOFFICIOSI*.

Sometimes a man left his fortune in trust (*fidei committebat*) to a friend on certain conditions, particularly, that he should give it up (*restitueret* v. *redderet*) to some other person or persons. Whatever was left in this manner, whether the whole estate, or any one thing, as, a farm, &c. was called FIDEICOMMISSUM, a trust; and the person to whom it was thus left, was called HÆRES FIDUCIARIUS, who might either be a citizen or a foreigner.

A testament of this kind was expressed in the form of request or intreaty, (*verbis precativis*,) thus, ROGO, PETO, VOLO, MANDO, FIDEI TUE COMMITTO, Ter. And. ii. 5. and not by way of command, (*verbis imperativis*), as all testaments were, and it might be written in any language.

In the last part of the will, (*in tabulis secundis*,) tutors were appointed for one's children, and legacies (*legata*) left to legatees, (*legatariis*,) all in direct and commanding

commanding words: Thus, TUTOR ESTO, *vel* TUTORES SUNTO: TUTOREM, V. -ES DO. Cic. Ep. xiii. 61.; Plin. Ep. ii. 1. And to their protection the testator recommended his children. Ovid. Trist. iii. Eleg. 14.

Legacies were left in four different ways, which lawyers have distinguished by the following names, 1. *Per VINDICATIONEM*; thus, DO, LEGO; also, CAPITO, SUMITO, V. HABETO, to which Virgil alludes, *Æn.* v. 533. This form was so called from the mode of claiming property. Cic. pro Muran. 12. 2. *Per DAMNATIONEM*; thus, HÆRES MEUS DAMNAS ESTO DARE, &c. *Let my heir be bound, &c.* and so in the plural, DAMNAS SUNTO. By this form the testator was said, *damnare hæredem*, to bind his heir. Hence *damnare aliquem votis*. Virg. E. v. 80. *Civitas damnata voti*, bound to perform. Liv. v. 25. But it was otherwise expressed thus, HÆRES MEUS DATO, FACITO; HÆREDEM MEUM DARE JUBEO. 3. *SINENDI modo*; thus, HÆRES MEUS SINITO, *vel* DAMNAS ESTO SINERE LUCIUM TITIUM SUMERE ILLAM REM, V. SIBI HABERE. 4. *Per PRÆCEPTIONEM*; thus, L. TITIUS ILLAM REM PRÆCIPITO, E MEDIO, *vel* E MEDIA HÆREDITATE SUMITO, SIBIQUE HABETO, *vel* *Præcipiat*, &c. when any thing was left to any person, which he was to get before the inheritance was divided, or when any thing particular was left to any one of the coheirs besides his own share.

When additions were made to a will, they were called CODICILLI. They were expressed in the form of a letter addressed to the heirs, sometimes also to trustees, (*ad fideicommissarios.*) It behoved them however to be confirmed by the testament. Plin. Ep. ii. 16.

After the death of the testator, his will was opened Hor. Ep. i. 7. in presence of the witnesses who had sealed it, (*coram signatoribus,*) or a majority of them. Suet. Tib. 23. And if they were absent or dead, a copy of the will was taken in presence of other respectable persons, and the authentic testament was laid up in the public archives, that if the copy were lost another

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might

might be taken from it, (*sit, unde peti posset.*) Horace ridicules a miser, who ordered his heirs to inscribe the sum he left on his tomb. Sat. ii. 3. v. 84.

It was esteemed honourable to be named in the testament of a friend or relation, and the contrary to be passed over. Cic. pro Domo. 19. & 32.; pro Sext. 52.; Phil. ii. 16.; Suet. Aug. 66.

It was usually required in the testament, that the heir should enter upon the inheritance within a certain time, in 60 or 100 days at most. Cic. ad Att. xiii. 46.; de Orat. i. 22. This act was called **HÆREDITATIS CRETIO**, and was performed before witnesses in these words: **CUM ME MÆVIUS HÆREDEM INSTITUERIT, EAM HÆREDITATEM CERNO ANEOQUE.** After saying which, (*dictis cretionis verbis,*) the heir was said **HÆREDITATEM ADIISSE.** But when this formality (**CRETIONIS SOLEMNITAS**) was not required, one became heir by acting as such, (*pro hærede se GERENDO, vel GESTIONE,*) although he might also, if he chose, observe the solemn form.

If the father or grandfather succeeded, they were called *hæredes* **ASCENDENTES**; if, as was natural, the children or grandchildren, **DESCENDENTES**; if brothers or sisters, **COLLATERALES.**

If any one died without making a will, (*intestatus,*) his goods devolved on his nearest relations; first to his children, failing them to his nearest relations by the father's side, (*agnatis,*) and failing them to those of the same gens (*gentilibus.*)

The inheritance was commonly divided into twelve parts called *uncie*. The whole was called **AS**. Hence *hæres ex asse*, heir to one's whole fortune; *hæres ex semisse, ex triente, dodrante,* &c. to the half, third, three-fourths, &c.

The **UNCIA** was also divided into parts; the half **SEMUNCIA**, the third **DUELLA**, or *binæ sextulæ*, the fourth **SICILICUM**, v. -us, the sixth **SEXTULA**. Cic. pro Cæcin. 6.

7. *The RIGHT of TUTELAGE or WARD-SHIP.*

Any father of a family might leave whom he pleased as tutors to his children. Liv. i. 34. But if he died intestate, this charge devolved by law on the nearest relation by the father's side. Hence it was called *TUTELA LEGITIMA*. This law is generally blamed, as in later times it gave occasion to many frauds in prejudice of pupils. Hor. Sat. ii. 5.; Juv. Sat. vi. 38.

When there was no tutor by testament, nor a legal one, then a tutor was appointed to minors and to women by the prætor, and the majority of the tribunes of the people, by the Atilian law, made A. U. 443. But this law was afterwards changed.

Among the ancient Romans, women could not transact any private business of importance, without the concurrence of their parents, husbands, or tutors; Liv. xxxiv. 2. and a husband at his death might appoint a tutor to his wife, as to his daughter, or leave her the choice of her own tutors. Liv. xxxix. 19. Women, however, seem sometimes to have acted as tutors. Liv. xxxix. 9.

If any tutor did not discharge his duty properly, or defrauded his pupil, there was an action against him, (*judicium tutela*.) Cic. pro Q. Rosc. 6.; Orat. i. 36.

II. *PUBLIC RIGHTS of ROMAN Citizens.*

These were *Jus Censûs, Militiæ, Tributorum, Suffragiû, Honorum et Sacrorum*.

I. *JUS CENSUS*, The right of being inrolled in the censors books. But of this afterwards.

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II. *JUS*

II. **JUS MILITIÆ**, The right of serving in the army. At first none but citizens were enlisted, and not even those of the lowest class. But in after times this was altered; and under the emperors soldiers were taken, not only from Italy and the provinces, but also at last from barbarous nations. Zosim. iv. 30. & 31.

III. **JUS TRIBUTORUM**. **TRIBUTUM** properly was money publicly imposed on the people, which was exacted from each individual through the tribes, in proportion to the valuation of his estate. (*pro portione census.*) Money publicly exacted on any other account, or in any other manner, was called **VECTIGAL**. Varro de Ling. Lat. iv. 16. But these words are not always distinguished.

There were three kinds of tribute; one imposed equally on each person, (*in capita*,) which took place under the first kings; another according to the valuation of their estate; (*ex censu*,) Liv. i. 43. iv. 60. and a third, which was extraordinary, and demanded only in cases of necessity, and therefore depending on no rule, (*temerarium*. Festus.) It was in many instances also voluntary; Liv. xxvi. 36. and an account of it was taken, that when the treasury was again enriched, it might be repaid, as was done after the second Punic war. Id.

After the expulsion of the kings, the poor were for some time freed from the burden of taxes, until the year 349; when the senate decreed, that pay should be given from the treasury to the common people, who had hitherto served at their own expence; whereupon all were forced to contribute annually according to their fortune for the pay of the soldiers. Liv. iv. 59. & 60.

In the year of the city 586 annual tributes were remitted, on account of the immense sums brought into the treasury by L. Paullus Æmilius, after the defeat of Perseus, Cic. Offic. ii. 22.; and this immunity from taxes continued, according to Plutarch, down to the consulship of Hirtius and Pansa.

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The other taxes (VECTIGALIA) were of three kinds, *Portorium*, *Decumæ*, and *Scriptura*.

1. PORTORIUM was money paid at the port for goods imported and exported, the collectors of which were called PORTITORES. The *portoria* were remitted A. U. 692, the year in which Pompey triumphed over Mithridates; but were afterwards imposed on foreign merchandise by Cæsar. Suet. Jul. 43.

2. DECUMÆ, Tithes, were the tenth part of corn, and the fifth part of other fruits, which were exacted from those who tilled the public lands, either in Italy or without it. Those who farmed the tithes were called DECUMANI, and esteemed the most honourable of the publicans or farmers general, as agriculture was esteemed the most honourable way of making a fortune among the Romans. Cic. Verr. ii. 13. iii. 8. The ground from which tithes were paid was also called DECUMANUS. Cic. Verr. iii. 6. But these lands were all sold at different times, and the land of Capua the last, by Cæsar. Suet. Jul. 20.; Cic. Att. ii. 16.

3. SCRIPTURA was the tax paid from public pastures and woods, so called, because those who wished to feed their cattle there, subscribed their names before the farmer of them, (*coram pecuario vel scriptuario*.) Varro de re Rustica. ii. 16. and paid a certain sum for each beast; as was likewise done in all the tithe-lands, (*in agris decumanis*.) Cic. Verr. iii. 52.

All those taxes were let publicly by the censors at Rome, (*locabantur sub hasta*.) Cic. Rull. i. 3. Those who farmed them (*redimebant v. conducebant*) were called PUBLICANI or MANCIPES, Cic. pro Domo, 10. They also gave securities to the people, (*PRAEDES*.) and had partners who shared the profit and loss with them. (*SOCII*.)

There was long a tax upon salt. In the second year after the expulsion of Tarquin, it was ordained that salt should not be sold by private persons, but should be furnished at a lower rate by the public. Liv. ii. 9. A

new tax was imposed on salt in the second Punic war, at the suggestion of the censors Claudius Nero and Livius, chiefly the latter, who hence got the surname of *Salinator*. Liv. xxix. 37. But this tax also was dropped, although it is uncertain at what time.

There was another tax which continued longer, called *VICESIMA*, i. e. the twentieth part of the value of any slave who was freed. Cic. Att. ii. 16. It was imposed by a law of the people assembled by tribes, and confirmed by the senate. What was singular, the law was passed in the camp. Liv. vii. 16. The money raised from this tax (*aurum-vicefimarium*) used to be kept for the last exigencies of the state. Liv. xxvii. 10.

Various other taxes were invented by the emperors; as the hundredth part of things to be sold, (*centesima*. Tacit. i. 78.) the twenty-fifth of slaves, (*vigesima quinta mancipiorum*,) and the twentieth of inheritances, (*vigesima hereditatum*,) by Augustus; Suet. Aug. 49. Dio, lv. a tax on eatables (*pro eduliis*,) by Caligula, Suet. 40. and even on urine, by Vespasian. Suet. 23. &c.

IV. *JUS SUFFRAGII*, the right of voting in the different assemblies of the people.

V. *JUS HONORUM*, the right of bearing public offices in the state. These were either priesthoods or magistracies, which at first were conferred only on Patricians, but afterwards were all, except a few, shared with the Plebeians.

VI. *JUS SACRORUM*. Sacred rites were either public or private. The public were those performed at the public expence; the private were those which every one privately observed at home. The *Vestal Virgins* preserved the public hearth of the city; the *curiones* with their *curiales* kept the hearths of the thirty *curiæ*; the priests of each village kept the fires of each village. (*Pagorum*.) And because upon the public establishment of Christianity in the empire, when by the decrees of Constantine and his sons, the profane worship of the gods was prohibited in cities, and their temples shut, those who were attached to the old superstition fled to the

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the country, and secretly performed their former sacred rites in the villages; hence PAGANS came to be used for Heathens, (*idvixbi, Gentiles,*) or for those who were *not Christians*; as anciently among the Romans those were called PAGANI who were not soldiers. Juv. xvi. 32.; Suet. Galb. 19. Thus, *Pagani et Montani* are called *Plebes Urbana* by Cicero, because they were ranked among the city tribes, although they lived in the villages and mountains. *pro Domo*, 28.

Each *gens* had certain sacred rites peculiar to itself, (*gentilitia*, Liv. v. 52.) which they did not intermit even in the heat of a war. Liv. v. 46. Every father of a family had his own household-gods, whom he worshipped privately at home.

Those who came from the free towns, and settled at Rome, retained their municipal sacred rites; and the colonies retained the sacred rites of the Roman people.

No new or foreign gods could be adopted by the Romans, unless by public authority. Thus *Æsculapius* was publicly sent for from *Epidaurus*, and *Cybele* from *Phrygia*. Liv. xxix. 11. & 12. Hence if any one had introduced foreign rites of himself, they were publicly condemned by the senate. Liv. iv. 30. xxv. 1. xxxix. 16. But under the emperors all the superstition of foreign nations flocked to Rome; as the sacred rites of *Ilis*, *Serapis*, and *Anubis* from *Egypt*, &c.

These were the Private and Public rights of Roman citizens. It was a maxim among the Romans, that no one could be a citizen of Rome who suffered himself to be made a citizen of any other city. Cic. *pro Cæcin.* 36. *Nepos in vita Attici*, 3. which was not the case in Greece. Cic. *pro Arch.* 5. And no one could lose the freedom of the city against his will. Cic. *pro Dom.* 29. & 30.; *Pro Cæcin.* 33. If the rights of a citizen were taken from any one, either by way of punishment or for any other cause, some fiction always took place. Thus when citizens were banished, they did not expel them by force, but their goods were confiscated, and themselves

selves were forbidden the use of fire and water, (*igne et aquâ interdictum est*;) which obliged them to repair to some foreign place. Augustus added to this form of banishment what was called **DEPORTATIO**, whereby the condemned being deprived of their rights and fortunes, were conveyed to a certain place, without leaving it to their own choice to go where they pleased.

When any one was sent away to any place without being deprived of their rights and fortunes, it was called **RELEGATIO**. Thus Ovid, *Trist. ii. 137. V. eleg. ii. v. 21.*

So captives in war did not properly lose the rights of citizens. Those rights were only suspended, and might be recovered as it was called, *jure postliminii*, by the right of restoration or return. Cic. *Top. 8. ; De Orat. i. 40.*

In like manner, if any foreigner, who had got the freedom of Rome, returned to his native city, and again became a citizen of it, he ceased to be a Roman citizen. Cic. *pro Balb. 12.* This was called *postliminium* with regard to his own country, and *reversio civitatis* with regard to Rome.

Any loss of liberty or of the rights of citizens was called **DIMINUTIO CAPITIS**. Cic. *pro Mil. 36. jus libertatis imminutum.* Sal. *Cat. 37.* The loss of liberty was called *diminutio capitis maxima*; banishment, *diminutio media*; any change of family, *minima*.

J U S L A T I I.

The **JUS LATII** or **LATINITAS**, Suet. *Aug. 47.* Cic. *Att. xiv. 12.* was next to the *jus civitatis*.

Latium anciently (*Latium Vetus*) was bounded by the rivers Tiber, Anio, Ufens, and the Tuscan sea. It

It contained the Albans, Rutuli, and Æqui. It was afterwards extended (*Latium Novum*) to the river Liris, and comprehended the Osci, Aufones, and Volsci. The inhabitants of Latium were called LATINI SOCII, NOMEN LATINUM, ET SOCII LATINI NOMINIS; &c. *Socii et Latinum nomen*, means the Italians and Latins.

The JUS LATII was inferior to the *jus civitatis*, and superior to the *jus Italicum*. But the precise difference is not ascertained.

The Latins used their own laws, and were not subject to the edicts of the Roman prætor. They were permitted to adopt some of the Roman laws if they chose it, and then they were called POPULI FUNDI. Cic. pro Balb. 8. If any state did not chuse it, it was said EI LEGI, v. *de ea lege* FUNDUS FIERI NOLLE, i. e. *auctor, subscriptor esse, v. eam probare et recipere*. Ibid.

The Latins were not inrolled at Rome, but in their own cities. Liv. xli. 9. They might be called to Rome to give their votes about any thing. Liv. xxv. 3. But then they were not included in a certain tribe, and used to cast lots to know in what tribe they should vote; ibid. and when the consuls chose, they ordered them by a decree of the senate to leave the city, Cic. Brut. 26. which however rarely happened. Cic. pro Sextio, 13.

Such Latins as had borne a civil office in their own state, became citizens of Rome; Appian de bell. civ. ii. p. 443. but could not enjoy honours before the *lex Julia* was made, Liv. viii. 4. xxiii. 22. by which law the right of voting and of enjoying honours was granted to those who had continued faithful to Rome in the Social war, A. U. 663. which the Latins had done. The distinction however betwixt the *jus Latii* and the *jus civitatis*, and the same mode of acquiring the full right of citizenship (*per Latium in civitatem veniendi*), was still retained. Plin. Paneg. 37. & 39.

The Latins at first were not allowed the use of arms for their own defence, without the order of the people, Liv. iii. 19. but afterwards they served as allies in the Roman army, and indeed constituted the principal part
of

of its strength. They sometimes furnished two thirds of the cavalry, and also of the infantry; Liv. iii. 22. xxi. 17. et alibi passim. But they were not embodied in the legions, and were treated with more severity than Roman citizens, being punished with stripes, from which citizens were exempted by the Portian law. Sall. Jug. 69.

The Latins had certain sacred rites in common with Roman citizens; as the sacred rites of Diana at Rome, Liv. i. 45. and the Latin holy days kept with great solemnity on the Alban mountain; first for one day the 27th April, and afterwards for several days. The Romans always presided at the sacrifices. Liv. xxi. c. ult. xx. 1. Besides these, the Latins had certain sacred rites and deities peculiar to themselves which they worshipped; as, Feronia at Terracina, Jupiter at Lanuvium. Liv. xxxii. 9.

They had also solemn assemblies in the grove of Ferentina, Liv. i. 50. which appear in ancient times to have been employed for political as well as religious purposes. From this convention all those were excluded who did not enjoy the *jus Latii*.

JUS ITALICUM.

All the country betwixt the Tuscan and Adriatic seas, to the rivers Rubicon and Macra, except Latium, was called Italy. The states of Italy being subdued by the Romans in different wars, were received into alliance on different conditions. In many respects they were in the same state with the Latins. They enjoyed their own laws and magistrates, and were not subject to the Roman prætor. They were taxed (*censi*) in their own cities, and furnished a certain number of soldiers according to treaty. But they had no access to the freedom of Rome, and no participation of sacred rites.

After

After the second Punic war, several of the Italian states, for having revolted to Hannibal, were reduced to a harder condition by the Dictator Sulpicius Galba, A. U. 550. especially the *Bruttii*, the *Picentini*, and *Lucani*, who were no longer treated as allies, and did not furnish soldiers, but public slaves. A. Gell. x. 3. Capua, which a little before had been taken, lost its public buildings and territory. Liv. xxvi. 16. But after a long and violent struggle in the Social or Marfic war, all the Italians obtained the right of voting and of enjoying honours by the Julian and other laws. Sulla abridged these privileges to those who had favoured the opposite party; but this was of short continuance. Cic. *pro Domo*, 30. Augustus made various changes. He ordered the votes of the Italians to be taken at home, and sent to Rome at the day of the comitia. Suet. Aug. 46. He also granted them an exemption from furnishing soldiers. Herodian ii. 11.

The distinction of the *jus Latii* and *Italicum* however still continued, and these rights were granted to various cities and states out of Italy. In consequence of which, farms in those places were said to be IN SOLO ITALICO, as well as those in Italy, and were called PRÆDIA CENSUI CENSENDO. (*quod in censum referri poterant, utpote res Mancipi, quæ venire et nique poterant jure civili.*) Cic. *pro Flacco* 32.

P R O V I N C E S.

Those countries were called *Provinces*, which the Roman people having conquered by arms, or reduced any other way under their power, subjected to be governed by magistrates sent from Rome. (*quod eas provicit, i. e. ante vicit.* Festus.) The senate having received letters concerning the reduction of any country, consulted what laws they thought proper should be prescribed to the

the conquered, and sent commonly ten ambassadors, with whose concurrence the general, who had gained the conquest, might settle every thing. Liv. xlv. 17. & 18.

These laws were called the FORM or *formula* of the province. Whatever the general with the advice of the ten ambassadors determined, used to be pronounced publicly by him before an assembly, after silence was made by a herald. Liv. xlv. 29. ; Cic. in Verr. ii. 13.

The first country which the Romans reduced into the form of a province was Sicily. Cic. Verr. ii. 1.

The condition of all the provinces was not the same, nor of all the cities in the same province, but different according to their merits towards the Roman people ; as they had either spontaneously surrendered, or made a long and obstinate resistance. Some were allowed the use of their own laws, and to chuse their own magistrates, others were not. Some also were deprived of part of their territory.

Into each province was sent a Roman governor, (*præses*,) to command the troops in it, and to administer justice ; together with a quæstor, to take care of the public money and taxes, and to keep an account of what was received and expended in the province. The provinces were grievously oppressed with taxes. The Romans imposed on the vanquished, either an annual tribute, which was called CENSUS CAPITIS, or deprived them of part of their grounds ; and either sent planters thither from the city, or restored them to the vanquished, on condition that they should give a certain part of the produce to the republic, which was called CENSUS SOLI. Cic. in Verr. iii. 6. v. 5. The former, i. e. those who paid their taxes in money, were called STIPENDIARII or *Tributarii*, as, *Gallia comata*, Suet. Jul. 15. The latter, VECTIGALES, who are thought to have been in a better condition than the former. But these words are sometimes confounded.

The sum which the Romans annually received from the stipendiary states was always the same ; but the revenues of the *vectigales* depended on the uncertain produce

duce of the tithes, of the taxes on the public pastures, (*scripturæ*;) and on goods imported and exported, (*portorii*.) Sometimes instead of the tenth part, if the province was less fertile, the twentieth only was exacted, as from the Spaniards. Liv. xliii. 2. Sometimes in cases of necessity an additional tenth part was exacted above what was due; but then money was paid for it to the husbandmen. Cic. Verr. iii. 31. Whence it was called *frumentum emptum*, also, *decumanum*, or *imperatum*. Liv. xxxvi. 2.

Under the Emperors a rule was made out, in which was comprised what corn each province ought yearly to furnish. The corn thus received was laid up in public granaries, both at Rome and in the provinces, whence it was given out, by those who had the care of provisions, to the people and soldiers.

Under the Emperors, besides a certain sum paid for the public pastures, the people of the provinces were obliged to furnish a certain number of cattle from their flocks, Vopisc. in Prob. 15. And besides the tax paid at the port, as in Sicily. Cic. Verr. ii. 72. in Asia, Cic. Agrar. ii. 29, in Britain, Tacit. vit. Agric. 31. they also paid a tax for journeys, Suet. Vitell. 14. especially for carrying a corpse, which could not be transported from one place to another without the permission of the High Priest or of the Emperor. But this tax was abolished. There was also a tax on iron, silver, and gold mines, as in Spain. Liv. xxxiv. 21. on marble in Africa, on various mines in Macedonia, Illyricum, Thrace, Britain, and Sardinia, and also on salt-pits in Macedonia. Liv. xlv. 29.

MUNICIPIA, COLONIÆ, et PRÆFECTURÆ.

MUNICIPIA were foreign towns which obtained the right of Roman citizens. Of these there were different kinds. Some possessed all the rights of Roman citizens, except such as could not be enjoyed without residing at

Rome. Others enjoyed the right of serving in the Roman legion, (*MUNERA militaria CAPERE poterant,*) but had not the right of voting and of obtaining civil offices.

The *Municipia* used their own laws and customs, which were called *LEGES MUNICIPALES*; nor were they obliged to receive the Roman laws unless they chose it: (*nisi FUNDI FIERI vellent.*) And some chose to remain as confederate states, (*civitates fœderatæ,*) rather than become Roman citizens; as the people of Heraclea and Naples. Cic. pro Balbo, 8.

There were anciently no such free towns except in Italy, but afterwards we find them also in the provinces. Thus Pliny mentions eight in *Bætica*, and thirteen in hither Spain. Hist. Nat. iii. 2.

COLONIES were cities or lands which Roman citizens were sent to inhabit. They were transplanted commonly by three commissioners, (*per triumviros coloniæ deducendæ agroque dividundo,* Liv. viii. 16.) sometimes by five, ten, or more. Cicero. The people determined in what manner the lands were to be divided, and to whom. The new colony marched to their destined place in form of an army, with colours flying. (*sub vexillo.*) The lands were marked round with a plough, and his own portion assigned to every one. All which was done after taking the auspices, and offering sacrifices. Cic. Phil. ii. 40. & 42.

When a city was to be built, the founder, dressed in a Gabinian garb, (*Gabino cinctu ornatus,* v. *Gabino cultu incinctus.* Liv. v. 46. i. e. with his *toga* tucked up, and the lappet of it thrown back over the left shoulder, and brought round under the right arm to the breast; so that it girded him and made the *toga* shorter and closer,) yoking a cow and a bull to a plough, the coulter whereof was brass, marked out by a deep furrow the whole compass of the city; and these two animals with other victims were sacrificed on the altars. All the people or planters followed, and turned inwards the clods cut by the plough. Where they wanted a gate to
be,

be; they took up the plough and left a space. Hence PORTA, a gate, (*a portando aratrum.*) And towns are said to have been called URBES from being surrounded by the plough. (*ab ORBE, vel ab URVO, i. e. buri, five aratri curvatura.* Varro de Lat. Ling. iv. 2. Festus.)

When a city was solemnly destroyed, the plough was also drawn along (*inducebatur*) where the walls had stood. Hor. Od. i. 16. Hence *Et seges est, ubi Troja fuit.* Manil. We read in the sacred writings of salt being sown on the ground where cities had stood. Judg. ix. 45. Mic. iii. 12.

The walls of cities were looked upon by the ancients as sacred, but not the gates. Plut. Quæst. 26. The gates however were reckoned inviolable, (*sanctæ.*)

A space of ground was left free from buildings both within and without the walls, which was called POMÆRIUM, (*i. e. locus circa murum, vel post murum intus et extra,*) and was likewise held sacred. Liv. i. 44. When the city was enlarged, the *pomærium* also was extended: (*hi consecrati fines proferebantur.* Liv.)

These ceremonies used in building cities are said to have been borrowed from the Hetrurians.

It was unlawful to plant a new colony where one had been planted before, Cic. Phil. ii. 40.; but supplies might be sent.

The colonies solemnly kept the anniversary of their first settlement, (*diem natalem coloniæ religiose colebant.*) Cic. ad Attic. iv. 1.

Some colonies consisted of Roman citizens only, some of Latins, and others of Italians. Liv. xxxix. 55. Hence their rights were different. Some think that the Roman colonies enjoyed all the rights of citizens, as they are often called Roman citizens, and were once enrolled in the censors books at Rome. Id. xxix. 37. But most are of opinion that the colonies had not the right of voting, nor of bearing offices at Rome. Dio, lib. 43. The rights of Latin colonies were less; so that Roman citizens who gave their names to a Latin colony, suffered a diminution of rank. Cic. pro Cæcin. 33.; pro Domo, 30.

The Italian colonies were in a still worse condition. The difference consisted chiefly in their different immunity from taxes.

Sulla, to reward his veterans, first introduced the custom of settling MILITARY COLONIES, which was imitated by Julius Cæsar, Augustus, and others. To those colonies whole legions were sent with their officers, their tribunes, and centurions. Tacit. Annal. xiv. 72. For the sake of distinction the other colonies were called CIVILES, PLEBEIÆ or TOGATÆ, because they consisted of citizens, or as they were afterwards named PAGANI or *Privati*, who were opposed to soldiers.

The colonies differed from the free towns in this, that they used the laws prescribed them by the Romans, but they had almost the same kind of magistrates. Their two chief magistrates were called DUUMVIRI, and their senators DECURIONES.

Each colony had commonly a patron, who took care of their interests at Rome.

PRÆFECTURÆ, were towns to which præfects were annually sent from Rome to administer justice, chosen partly by the people, and partly by the prætor. Festus. Towns were reduced to this form, which had been ungrateful to the Romans; as, *Calatia*, Liv. i. 38. *Capua*, Liv. xxvi. 16. and others. They neither enjoyed the rights of free towns nor of colonies, and differed little from the form of provinces. Their private right depended on the edicts of their præfects, and their public right on the Roman senate, who imposed on them taxes and service in war at pleasure. Some *Præfectura* however possessed greater privileges than others.

Places in the country or towns where markets were held, and justice administered, were called FORA; as, *Forum Cornelii*, *Julii*, *Appii*, *Livii*, &c.

Places where assemblies were held, and justice administered, were called CONCILIABULA. Cic.

All other cities which were neither *Municipia*, *Coloniae*, nor *Præfectura*, were called *Confederate States*.

(CIVITATES

(CIVITATES FOEDERATÆ.) These were quite free, unless that they owed the Romans certain things according to treaty. Such was Capua before it revolted to Hannibal. Such were also Tarentum, Naples, Tibur, and Præneste.

FOREIGNERS.

All those who were not citizens, were called by the ancient Romans foreigners, (PEREGRINI,) wherever they lived, whether in the city or elsewhere. But after Caracalla granted the freedom of the city to all freeborn men in the Roman world, and Justinian sometime after granted it also to freedmen, the name of foreigners fell into disuse; and the inhabitants of the whole world were divided into Romans and Barbarians. The whole Roman empire itself was called ROMANIA, which name is still given to Thrace, as being the last province which was retained by the Romans, almost until the taking of Constantinople by the Turks, A. D. 1453.

While Rome was free, the condition of foreigners was very disagreeable. They might indeed live in the city, but they enjoyed none of the privileges of citizens. They were also subject to a particular jurisdiction, and sometimes were expelled from the city at the pleasure of the magistrates. Thus M. Junius Pennus A. U. 627, and C. Papius Celsus A. U. 688, both tribunes of the people, passed a law ordering foreigners to leave the city. Cic. Off. iii. 11. So Augustus, Suet. Aug. 42. But afterwards an immense number of foreigners flocked to Rome from all parts. Juv. Sat. iii. 58.; Seneca ad Helv. c. 8. So that the greatest part of the common people consisted of them.

Foreigners were neither permitted to use the Roman dress, Suet. Claud. 25. nor had they the right of legal property or of making a will. When a foreigner died, his goods were either reduced into the treasury as

having no heir, (*quasi bona VACANTIA*,) or if he had attached himself (*se appliculset*) to any person, as a patron, that person succeeded to his effects, **JURE APPLICATIONIS**, as it was called. Cic. de Orat. i. 39.

But in process of time these inconveniencies were removed, and foreigners were not only advanced to the highest honours in the state, but some of them even raised to the empire itself.

The ASSEMBLIES of the PEOPLE.

An assembly of the whole Roman people to give their vote about any thing was called **COMITIA**. (*a coeundo vel comeundo*.) When a part of the people only was assembled, it was called **CONCILIVM**. A. Gell. xv. 27. But these words are not always distinguished. Liv. vi. 20.

There were three kinds of *Comitia*; the *Curiata* instituted by Romulus; the *Centuriata* instituted by Servius Tullius the 6th king of Rome; and the *Tributa*, said to have been first introduced by the Tribunes of the people at the trial of Coriolanus. A. U. 263.

The *Comitia Curiata* and *Centuriata* could not be held without taking the auspices, (*nisi auspicatò*,) nor without the authority of the senate, but the *Tributa* might.

The days on which the *Comitia* could be held, were called **DIES COMITIALES**, (i. e. *quibus cum populo agere licebat*.)

Nothing could be done at the *Comitia* before the rising nor after the setting of the sun.

The *Comitia* for creating magistrates were usually held in the *campus martius*; but for making laws, and for holding trials, sometimes also in the forum, and sometimes in the capitol.

The

The COMITIA CURIATA.

In the *Comitia Curiata* the people gave their votes, divided into thirty *curiæ*; and what a majority of them, namely sixteen, determined, was said to be the order of the people. At first there were no other *Comitia* but the *Curiata*, and therefore every thing of importance was determined at them.

The *Comitia Curiata* were held, first by the kings, and afterwards by the consuls and the other greater magistrates, that is, they presided at them, and nothing could be brought before the people but by them. They met in a part of the forum called the COMITIUM, where the pulpit or tribunal (*suggestum*) stood, whence the orators used to harangue the people. It was afterwards called ROSTRA, because it was adorned with the beaks of the ships taken from the Antiates. Liv. viii. 14. and also *Templum*, because consecrated by the augurs. Ibid. & 35. The *Comitium* was first covered the year that Hannibal came into Italy. Liv. xxvii. 38. Afterwards it was adorned with pillars, statues, and paintings.

Those citizens only had a right to vote at the *Comitia Curiata* who lived in the city, and were included in some *curia* or parish. The *curia* which voted first was called PRINCIPIUM. Liv. ix. 38.

After the institution of the *Comitia Centuriata* and *Tributa*, the *Comitia Curiata* were more rarely assembled, and that only for passing certain laws, and for the creation of the *Curio Maximus*, Liv. xxvii. 8. and of the *Flamines*. A. Gell. xv. 27. Each *curia* seems to have chosen its own *curio*.

A law made by the people divided into *curiæ* was called LEX CURIATA. Of these the chief we read of were,

1. The law by which military command (IMPERIUM) was conferred on magistrates. Liv. ix. 38. Without this they

they were not allowed to meddle with military affairs, (*rem militarem attingere*,) to command an army, or carry on war, Cic. Phil. v. 16.; Ep. Fam. i. 9. but only had a civil power, (POTESTAS,) or the right of administering justice. Hence the *Comitia Curiata* were said *rem militarem continere*. Liv. v. 52. And the people to give sentence twice (*his sententiam ferre*, v. *binis comitiis judicare*,) concerning their magistrates. Cic. de lege Agr. ii. 14. But in after times this law seems to have been passed only for form's sake, by the suffrage of the thirty lictors or serjeants who formerly used to summon the *curia*, and attend on them at the *Comitia*. Cic. ibid. (*Populi suffragiis, ad speciem atque ad usurpationem vetustatis, per triginta lictores auspiorum causâ adumbratis*. cap. 12.)

2. The law about recalling Camillus from banishment. Liv. v. 46.

3. That form of adoption called *adrogatio*, see p. 48. was made at the *Comitia Curiata*, because no one could change his state or *sacra* without the order of the people. Cic. *pro Sext. pro dom.* 15. &c. Suet. Aug. 65.

4. Testaments were anciently made at these *Comitia*. And because in time of peace they were summoned (*calata*, i. e. *convocata*,) by a lictor twice a-year for this purpose; hence they were also called *COMITIA CALATA*, which name is likewise sometimes applied to the *Comitia Centuriata*, because they were assembled by a *Cornicen*, who was also called *Classicus*, (*quod classes comitiis ad comitatum vocabat.*) A. Gell. xv. 27.; Varro de Lat. Ling. iv. 16.

5. What was called *DETESTATIO SACRORUM*, was also made here; as when it was denounced to an heir or legatee that he must adopt the sacred rites which followed the inheritance. Cic. de Leg. ii. 9. Whence an inheritance without this requisite is called by Plautus *hereditas sine sacris*. Captiv. iv. 1. (*cum aliquid obvenierit sine aliqua incommoda appendice*. Festus.)

(The law about recalling Camillus from banishment. Liv. v. 46.)

The COMITIA CENTURIATA and the CENSUS.

The principal *Comitia* were the *Centuriata*, called also *majora*, Cic. *post red. in Senat.* 2. in which the people divided into the centuries of their classes gave their votes; and what a majority of centuries determined, (*quod plures centuriæ jussissent*,) was held to be ratified. These *Comitia* were held according to the *Census* instituted by Servius Tullius.

The CENSUS was a numbering of the people with a valuation of their fortunes.

To ascertain the number of the people, and the fortunes of each individual, Servius ordained that all the Roman citizens, both in town and country, should upon oath take an estimate of their fortunes, (*bona sua jurati censerent*, i. e. *æstimarent*,) and publicly declare that estimate to him, (*apud se profiterentur*;) that they should also tell the place of their abode, the names of their wives and children, their own age and that of their children, and the number of their slaves and freedmen: That if any did otherwise, their goods should be confiscated, and themselves scourged and sold for slaves, as persons who had deemed themselves unworthy of liberty. (*qui sibi libertatem abjudicassent*. Cic. *pro Cæcin.* 34.) He likewise appointed a festival called PAGANALIA, to be held every year in each *pagus* or village to their tutelary gods, at which time the peasants should every one pay into the hands of him who presided at the sacrifices a piece of money; the men a piece of one kind, the women of another, and the children of a third sort. *Dionys.* iv.

Then according to the valuation of their estates, he divided all the citizens into six CLASSES, and each class into a certain number of CENTURIES.

The division by *centuries* or hundreds prevailed every where at Rome. The infantry and cavalry, the *curiæ* and

and tribes, were divided in this manner; and so even the land: hence *centenarius ager*, Festus. At first a century contained a hundred; but not so afterwards. Thus the number of men in the centuries of the different classes was without doubt very different.

The first class consisted of those whose estates in lands and effects were worth at least 100,000 *asses* or pounds of brass, or 10,000 *drachmæ* according to the Greek way of computing, 322l. 18s. 4d. of our money. This first class was subdivided into eighty centuries or companies of foot, forty of young men, (*juniorum*,) that is, from seventeen to forty-six years of age, *A. Gell.* x. 28. *Cic. de Sen.* 17. who were obliged to take the field, (*ut foris bella gererent*,) and forty of old men, (*seniorum*,) who should guard the city, (*ad urbis custodiam ut præsto essent*.) To these were added eighteen centuries of Roman knights who fought on horseback; in all ninety-eight centuries.

The second class consisted of twenty centuries, ten of young men, and ten of old, whose estates were worth at least 75,000 *asses*. To these were added two centuries of artificers, (*fabrum*,) carpenters, smiths, &c. to manage the engines of war. These Livy joins to the first class.

It is hardly to be imagined that those artificers were composed of the members of either the first or second class, but of their servants or dependants; for not only the mechanic arts, but likewise every kind of trade was esteemed dishonourable among the ancient Romans.

The third class was also divided into twenty centuries; their estate was 50,000 *asses*.

The fourth class likewise contained twenty centuries; their estate was 25,000 *asses*. To these Dionysius adds two centuries of trumpeters.

The fifth class was divided into thirty centuries; their estate was 11,000 *asses*, but according to Dionysius 12,500. Among these, according to Livy, were included the trumpeters and corneters or blowers of the horn, distributed into three centuries, whom Dionysius joins as two distinct centuries to the fourth class.

The

The sixth *class* comprehended all those who either had no estates, or were not worth so much as those of the fifth *class*. The number of them was so great as to exceed that of any of the other *classes*, yet they were reckoned but as one *century*.

Thus the number of *centuries* in all the *classes* was, according to Livy, 191, and according to Dionysius 193.

Some make the number of Livy amount to 194, by supposing that the trumpeters, &c. were not included in the thirty centuries of the fifth *class*, but formed three distinct centuries by themselves.

Each *class* had arms peculiar to itself, and a certain place in the army according to the valuation of their fortunes.

By this arrangement the chief power was vested in the richest citizens who composed the first *class*, which although least in number, consisted of more centuries than all the rest put together; but they likewise bore the charges of peace and war (*munia pacis et belli*) in proportion. Liv. i. 43. For as the votes at the *Comitia*, so likewise the quota of soldiers and taxes, depended on the number of centuries. Accordingly the first *class*, which consisted of ninety-eight, or, according to Livy, of one hundred centuries, furnished more men and money to the public service than all the rest of the state besides. But they had likewise the chief influence at the assemblies of the people by centuries. For the *Equites* and the centuries of this *class* were called first to give their votes, and if they were unanimous the matter was determined; but if not, then the centuries of the next *class* were called, and so on, till a majority of centuries had voted the same thing.

In after times some alteration was made, as is commonly supposed, in favour of the plebeians, by including the centuries in the tribes; whence mention is often made of tribes in the *Comitia Centuriata*. Liv. v. 18.; Cic. in Rull. ii. 2.; pro Planc. 20. In consequence of which it is probable, that the number of centuries as well as of tribes was increased. Cic. Phil. ii. 82. But when

when or how this was done is not sufficiently ascertained, only it appears to have taken place before the year of the city 358. Liv. v. 18.

Those of the first class were called **CLASSICI**, all the rest were said to be **INFRA CLASSEM**. A. Gell. vii. 13. Hence *classici auctores*, for the most approved authors.

Those of the lowest class who had no fortune at all, were called **CAPITE CENSI**, rated by the head; and those who had below a certain valuation, **PROLETARI**; Gell. xvi. 10. whence *sermo proletarius* for vilis, low. Plaut. Milit. Glor. iii. 1. v. 157. This properly was not reckoned a *class*; whence sometimes only five *classes* are mentioned. Liv. iii. 30.

This review of the people was made (*census habitus v. actus est*) at the end of every five years, first by the kings, then by the consuls, but after the year 310 by the censors, who were magistrates created for that very purpose. We do not find however that the *census* was always held at certain intervals of time. Sometimes it was omitted altogether. Cic. pro Arch. 5.

After the *census* was finished, an expiatory or purifying sacrifice (*sacrificium lustrale*) was made, consisting of a sow, a sheep, and a bull, which were carried round the whole assembly and then slain, and thus the people were said to be purified, (*lustrari*.) Hence also *lustrare* signifies *to go round, to survey*. Virg. Ecl. x. 55.; Æn. viii. 231. This sacrifice was called **SUOVETAVRIA** or **SOLITAVRIA**, and he who performed it was said **CONDERE LUSTRUM**. It was called *lustrum a luendo, i. e. solvendo*, because at that time all the taxes were paid by the farmers general to the censors; Varro. And because this was done at the end of every fifth year, hence **LUSTRUM** is often put for the space of five years; especially by the poets, Hor. Od. ii. 4. by whom it is sometimes confounded with the Greek Olympiad, which was only four years.

The *census* anciently was held in the *forum*, but afterwards in the *villa publica*, which was in the *campus martius*.

martius. Liv. iv. 22. The purifying sacrifice was always made (*lustrum conditum est*) in the *forum*. The *census* was sometimes held without the *lustrum* being performed. Liv. iii. 22.

1. *The Causes of assembling the COMITIA CENTURIATA.*

The COMITIA CENTURIATA were held for creating magistrates, for passing laws, and for trials.

In these *comitia* were created the consuls, prætors, censors, and sometimes a proconsul; Liv. xxvi. 18. also the decemviri, military tribunes, and one priest, namely the *rex sacrorum*. Almost all laws were passed at them which were proposed by the greater magistrates, and one kind of trial was held there, namely for high treason or any crime against the state, which was called JUDICIUM PERDUELLIONIS; as, when any one aimed at sovereignty, which was called *crimen regni*, Liv. vi. 20. or had treated a citizen as an enemy, Cic. in Verr. i. 5.

War was also declared at these *comitia*. Liv. xxxi. 6. & 7.; xlii. 30.

2. *The Magistrates who presided at the COMITIA CENTURIATA; the Place where they were held; the Manner of summoning them, and the Persons who had a right to vote at them.*

The *Comitia Centuriata* could be held only by the superior magistrates, i. e. the consuls, the prætor, the dictator, and interrex: But the last could only hold the *comitia* for creating magistrates, and not for passing laws.

The censors assembled the people by centuries, but this assembly was not properly called *comitia*, as it was not to vote about any thing. The prætors could not hold the *comitia*, if the consuls were present, without
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their permission, Liv. xxvii. 5. ; but they might in their absence, Liv. xliiii. 16. xlv. 21. especially the *prætor urbanus*; and, as in the instance last quoted, without the authority of the Senate.

The consuls held the *comitia* for creating the consuls, and also for creating the prætors; (for the prætors could not hold the *comitia* for creating their successors, Cic. ad Att. ix. 9. ;) and for creating the censors, Liv. vii. 22. ; Cic. Att. iv. 2.

The consuls determined whether of them should hold these *comitia*, either by lot or by agreement, (*sorte vel consensu*; *sortiebantur vel comparabant.*) Liv. passim.

The *comitia* for creating the first consuls were held by the præfect of the city, Liv. i. 60. who was also *interrex*. Dionys. iv.

When a *rex sacrorum* was to be created, the *comitia* are thought to have been held by the *pontifex maximus*. But this is not quite certain.

When from contention betwixt the Patricians and plebeians, or betwixt the magistrates, or from any other cause, the *comitia* for electing magistrates could not be held in due time, and not before the end of the year, the patricians met and named (*sine suffragio populi auspiciatò prodebant*) an interrex out of their own number, Cic. *pro Domo*, 14. & *Ascon. in Cic.* who commanded only for five days; and in the same manner different persons were always created every five days, till consuls were elected, who entered immediately on their office. The *comitia* were hardly ever held by the first *interrex*: Sometimes by the second, Liv. ix. 7. ; x. 11. ; sometimes by the third, Id. v. 31. ; and sometimes not till the eleventh, Liv. vii. 21. In the absence of the consuls, a dictator was sometimes created to hold the *comitia*, Liv. vii. 22. ; viii. 23. ; ix. 7. ; xxv. 2.

The *Comitia Centuriata* were always held without the city, usually in the *campus martius*; because anciently the people went armed in martial order (*sub signis*) to hold these assemblies; and it was unlawful for an army to be marshalled in the city, Liv. xxxix. 15.

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But in later times a body of soldiers only kept guard on the Janiculum, where an imperial standard was erected, (*vexillum positum erat*,) the taking down of which denoted the conclusion of the *comitia*.

The *Comitia Centuriata* were usually assembled by an edict.

It behoved them to be summoned (*edicti v. indici*) at least seventeen days before they were held, that the people might have time to weigh with themselves what they should determine at the *comitia*. This space of time was called TRINUNDINUM, or TRINUM NUNDINUM, i. e. *tres nundinae*, three market days, because the people from the country came to Rome every ninth day to buy and sell their commodities, Liv. iii. 35. (*Nundinae a Romanis nono quoque die celebratae; intermediis septem diebus occupabantur ruri*, Dionys. vii. v. *reliquis septem, rura colebant*. Varro, de re rust. præf. 11.) But the *comitia* were not held on the market-days, (*nundinis*,) because they were ranked among the *feriae* or holy days, on which no business could be done with the people, Macrob. i. 16.; Plin. xviii. 3.

But the *comitia* for creating magistrates were sometimes summoned against the first lawful day, (*in primum comitialem diem*.) Liv. xxiv. 7.

All those might be present at the *Comitia Centuriata* who had the full right of Roman citizens, whether they lived at Rome or in the country.

3. CANDIDATES.

Those who sought preferments were called CANDIDATI, from a white robe (*a toga candida*) worn by them, which was rendered shining by the art of the fuller; for all the wealthy Romans wore a gown naturally white, (*togam albam*.) This, however, was anciently forbidden by law, (*ne cui album, i. e. cretam, in vestimentum addere, petitionis causa, liceret*.) Liv. iv. 25.

The candidates did not wear tunics or waistcoats, either that they might appear more humble, or might more easily shew the scars they had received on the fore part of their body, (*adverso corpore.*) Plut. in Coriol.

In the later ages of the republic, no one could stand candidate who was not present, and did not declare himself within the legal days, that is, before the *comitia* were summoned, Sall. Cat. 18.; Cic. Fam. xvi. 12. and whose name was not received by the magistrates; for they might refuse to admit any one they pleased, (*nomen accipere, vel rationem ejus habere,*) but not without assigning a just cause.

For a long time before the time of election, the candidates endeavoured to gain the favour of the people by every popular art, Cic. Attic. i. 1. by going round their houses, (*ambiendo,*) by shaking hands with those they met, (*prestanto,*) by addressing them in a kindly manner, and naming them, &c. on which account they commonly had along with them a monitor or NOMENCLATOR, who whispered in their ears every body's name, Hor. Ep. i. 6.; v. 50. &c. Hence Cicero calls candidates *natio officiosissima*, in Pis. 23. When they went down to the *campus martius* at certain times, they were attended by their friends and dependants, who were called DEDUCTORES, Cic. de pet. conf. 9. They had likewise persons to divide money among the people, (DIVISORES, Cic. Att. i. 17.; Suet. Aug. 3.). For this, although forbidden by law, was often done openly, and once against Cæsar, even with the approbation of Cato, Suet. Jul. 19. There were also persons to bargain with the people for their votes called INTERPRETES, and others in whose hands the money promised was deposited, called SEQUESTRES, Cic. in Verr. i. 8. & 12. Sometimes the candidates formed combinations (*coltiones*) to disappoint (*ut decerent*) the other competitors, Cic. Att. ii. 18.; Liv. iii. 35.

Those who opposed any candidate, were said *ei refragari*, and those who favoured him, *suffragari*: hence *suffragatio*,

suffragatio, their interest, Liv. x. 13. Those who got one to be elected, were said, *ei præturam gratiâ campestri capere*, Liv. vii. 1.; or *eum trahere*; thus, *Pervicit Appius, ut dejecto Fabio, fratrem traheret*, Liv. xxxix. 32. Those who hindered one from being elected, were said, *a consulatu repellere*, Cic. in Cat. i. 10.

4. The Manner of proposing a Law, and of naming a day for one's Trial.

When a law was to be passed at the *Comitia Centuriata*, the magistrate who was to propose it, (*laturus v. rogaturus*,) having consulted with his friends and other prudent men, whether it was for the advantage of the republic, and agreeable to the customs of their ancestors, wrote it over at home; and then having communicated it to the senate, by their authority, (*ex SCTO*,) he promulgated it, that is, he pasted it up in public, (*publice v. in publico proponebat; promulgabat, quasi promulgabat*, Festus.) for three market-days, that so the people might have an opportunity of reading and considering it. In the mean time he himself (*legislator*) and some eloquent friend, who was called *AUCTOR legis*, or *SUASOR*, every market-day read it over, (*recitabat*,) and recommended it to the people, (*sua-debat*,) while others who disapproved it spoke against it, (*dissuadebant*,).

Sometimes the person who proposed the law, if he did it by the authority of the senate, and not according to his own opinion, spoke against it, Cic. Att. i. 14.

In the same manner, when one was to be tried for treason, (*cum dies perduellionis dicta est, cum actio perduellionis intendebatur*, Cic.; vel *cum aliquis capitis v. -te anquireretur*, Liv.) it behoved the accusation to be published for the same space of time, (*promulgatar rogatio de mea pernicie*, Cic. pro Sext. 20.) and the day fixed when the trial was to be, (*prodicta die, qua judicium su-*

turum sit, Cic.). In the mean time the person accused (*REUS*;) changed his dress, laid aside every kind of ornament, let his hair and beard grow, (*promittebat*;) and in this mean garb (*sordidatus*;) went round and solicited the favour of the people, (*homines precebat*). His nearest relations and friends also did the same, *Liv. passim*. This kind of trial was generally capital, *Liv. vi. 20.*; but not always so, *Id. xliii. 16.*; *Cic. pro Dom. 32.*

5. The Manner of taking the Auspices.

On the day of the *comitia*, he who was to preside at them, (*qui iis præfutura erat*;) attended by one of the augurs, (*augure adhibito*;) pitched a tent (*tabernaculum cepit*;) without the city to observe the omens, (*ad auspicia captanda, vel ad auspicandum*). These Cicero calls *AUGUSTA CENTURIARUM AUSPICIA*: *pro Mil. 16*. Hence the *campus martius* is said to be *confularibus comitiis consecratus*, *Cic. in Cat. iv. 1.*; and the *comitia* themselves were called *AUSPICATA*, *Liv. xxvi. 2.*

If the *TABERNACULUM*, which perhaps was the same with *templum* or *arx*, the place which they chose to make their observations, (*ad inaugurandum*, *Liv. i. 7. & 18.*) had not been taken in due form, (*parum rectè captum esset*;) whatever was done at the *comitia* was reckoned of no effect, (*pro irritò habebatur*.) *Liv. iv. 7.* Hence the usual declaration of the augurs, (*augurium solennis pronuntiatio*;) *VITIO TABERNACULUM CAPTUM*; *VITIO MAGISTRATUS CREATOS VEL VITIOSOS*; *VITIO LEGEM LATAM*; *VITIO DIEM DICTAM*, *Cic. & Liv. passim*. And so scrupulous were the ancient Romans about this matter, that if the augurs at any time afterwards, upon recollection, declared that there had been any informality in taking the auspices, (*vitium obovenisse*, *Cic.*; *in auspicio vitium fuisse*, *Liv.*) the magistrates were obliged to resign their office, (*utpote vitiosi v. vitio creati*;) even several

veral months after they had entered upon it, Liv. *ibid.*; Cic. de Nat. Deor. ii. 4.

When there was nothing wrong in the auspices, the magistrates were said to be *SALVIS AUSPICIIS creati*, Cic. Phil. ii. 33.

When the consul asked the augur to attend him, (*in auspiciis adhibebat*,) he said, Q. FABI, TE MIHI IN AUSPICIO ESSE VOLO. The augur replied, AUDIVI, Cic. de Divin.

There were two kinds of auspices which pertained to the *Comitia Centuriata*. The one was, observing the appearances of the heavens, (*servare de celo, vel cælum*,) as, lightning, thunder, &c. which was chiefly attended to. The other was the inspection of birds. Those birds which gave omens by flight, were called *PRÆPETES*; by singing, *OSCINES*: hence the phrase, *si avis occurrerit*, Liv. vi. 41.; x. 40. When the omens were favourable, the birds were said *ADDICERE* vel *ADMITTERE*; when unfavourable, *ABDICERE*, *NON ADDICERE*, vel *REFRAGARI*.

Omens were also taken from the feeding of chickens. The person who kept them was called *PULLARIUS*. If they came too slowly out of their cage, or would not feed, it was a bad omen, Liv. vi. 41.; but if they fed greedily, so that something fell from their mouth and struck the ground, (*terram paviret, i. e. feriret*,) it was hence called *TRIPUDIUM SOLISTIMUM*, Liv. x. 40. and was reckoned an excellent omen, (*auspiciis egregium vel optimum*,) Cic. de Divin. ii. 73.

When the augur declared that the auspices were unexceptionable, (*omni vitio carere*,) that is, that there was nothing to hinder the *comitia* from being held, he said, *SILENTIUM ESSE VIDETUR*, Cic. de Div. ii. 34.; but if not, he said *ALIO DIE*, Cic. de Leg. ii. 12. on which account the *comitia* could not be held that day. Thus, *Papirio legem ferenti triste omen diem diffidit, i. e. Rem in diem posterum rejicere coegit*, Liv. ix. 38.

This declaration of the augur was called *NUNTIATIO* or *obnuntiatio*. Hence Cicero says of the augurs, Nos

NOS NUNTIATIONEM SOLUM HABEMUS; AT CONSULES ET RELIQUI MAGISTRATUS ETIAM SPECTIONEM, v. *inspectionem*, Phil. ii. 32. ; but the contrary seems to be asserted by Festus; (*in voce* SPECTIO,) and commentators are not agreed how they should be reconciled. It is supposed there should be a different reading in both passages. Vid. Abram. in Cic. & Scaliger. in Fest.

Any other magistrate, of equal or greater authority than he who presided, might likewise take the auspices; especially if he wished to hinder an election, or prevent a law from being passed. If such magistrate therefore declared, SE DE COELO SERVASSE, that he had heard thunder or seen lightning, he was said OBNUNTIARE, (*augur auguri, consul consuli obnuntiavissi*, Cic.) which he also did by saying, ALIO DIE; whereupon by the *Lex Ælia et Fufia*, the *comitia* were broken off, (*dirimebantur*,) and deferred to another day. Hence *obnunciare concilio aut comitiis*, to prevent, to adjourn; and this happened, even if he said that he had seen what he did not see, (*si auspicia e mentitus esset*,) because he was thought to have bound the people by a religious obligation, which must be expiated by their calamity or his own, Cic. Phil. ii. 33. Hence in the edict whereby the *comitia* were summoned, this formula was commonly used, NE QUIS MINOR MAGISTRATUS DE COELO SERVASSE VELIT: which prohibition Clodius, in his law against Cicero, extended to all the magistrates.

The *comitia* were also stopped, if any person, while they were holding, was seized with the falling sickness or epilepsy, which was hence called MORBUS COMITIALIS; or if a tribune of the commons, interceded by the solemn word VETO, Liv. vi. 35. or any magistrate of equal authority with him who presided, interposed, by wasting the day in speaking, or by appointing holy-days, &c. Cic. ad Fratr. ii. 6; and also if the standard was pulled down from the Janiculum, as in the trial of Rabirius, by Metellus the prætor. Dio, lib. 37.

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The *comitia* were also broken off by a tempest arising; but so, that the election of those magistrates who were already created, was not rendered invalid, (*ut jam creati non vitiosi redderentur.*) Liv. xl. 59.; Cic. de Divin. ii. 18. unless when the *comitia* were for creating censors.

6. The Manner of Holding the COMITIA CENTURIATA.

When there was no obstruction to the *comitia*, on the day appointed, the people met in the *campus martius*. The magistrate who was to preside, sitting in his curule chair on a tribunal, (*pro tribunali,*) Liv. xxxix. 32. used to utter a set form of prayer before he addressed the people, Liv. xxxix. 15. the augur repeating over the words before him, (*augure verba praeunte.* Cic.). Then he made a speech to the people about what was to be done at the *comitia*.

If magistrates were to be chosen, the names of the candidates were read over. But anciently the people might chuse whom they pleased, whether present or absent, although they had not declared themselves candidates, Liv. *passim*.

If a law was to be passed it was recited by a herald, while a secretary dictated it to him, (*subjiciente scribâ,*) and different persons were allowed to speak for and against it, Liv. xl. 21. A similar form was observed at trials, because application was made to the people about the punishment of any one, in the same manner as about a law. Hence *irrogare poenam*, vel *multam*, to inflict or impose.

The usual beginning of all applications to the people (*omnium rogationum*) was, VELITIS, JUBEATIS, QUIRITES, and thus the people were said to be consulted, (*consuli vel rogari.*) Cic. & Liv. *passim*. Hence *jubere legem vel rogationem*, to pass it; *vetare*, to reject it; *rogare magistratus*, to create or elect, Sall. Jug. 29.; So *jussa et vetita populi* in jubendis v. sciscendis legibus, Cic. de Leg. Quibus, sc. Silano et Murenæ, *consulatus*, me rogante,

rogante, *datus est*, Id. pro Mur. 1. Then the magistrate said, *SI VOBIS VIDETUR, DISCEDITE, QUIRITES*; or, *ITE IN SUFFRAGIUM, BENE JAVANTIBUS DIIS, ET, QUÆ PATRES CENSUERUNT, VOS JUBETE*, Liv. xxxi. 7. Whereupon the people, who, as usual, stood promiscuously, separated every one to his own tribe and century, Ascon. in Cic. pro Corn. Balbo. Hence the magistrate was said *mittere populum in suffragium*; and the people, *inire vel ire in suffragium*, Cic. & Liv. passim.

Anciently the centuries were called to give their votes according to the institution of Servius Tullius; first the equites, and then the centuries of the first class, &c. but afterwards it was determined by lot (*SORTITIO fiebat*,) in what order they should vote. When this was first done is uncertain. The names of the centuries were thrown into a box, (*in fitellam*; *fitella defertur*, Cic.; *Sitella allata est, ut sortirentur*. Liv. xxv. 3.) and then the box being shaken, so that the lots might lie equally, (*sortibus æquatis*,) the century which came out first gave its vote first, and hence was called *PRÆROGATIVA*, Liv. v. 18. Those centuries which followed next, were called *PRIMO VOCATÆ*, Liv. x. 15. & 22. The rest *JURE VOCATÆ*, Liv. xxvii. 6. But all the centuries are usually called *jure vocata*, except the *prærogativa*. Its vote was held of the greatest importance, (*ut nemo unquam prior eam tulerit, quin renuntiatus sit*, Cic. pro Planc. 20.) Liv. xxvi. 22.

When tribes are mentioned in the *Comitia Centuriata*, it is supposed, that, after the centuries were included in the tribes, the tribes first cast lots; and that the tribe which first came out was called *PRÆROGATIVA TRIBUS*; and then that the centuries of that tribe cast lots which should be the *prærogativa centuria*. Others think that in this case the names of tribes and centuries are put promiscuously the one for the other. But Cicero calls *centuria, pars tribus*; and that which is remarkable in the *Comitia Tributa*. pro Planc. 20.

Anciently the citizens gave their votes by word of mouth; and in creating magistrates, they seem each to have

have used this form, CONSULES, &c. NOMINO vel DICO, Liv. xxiv. 8. & 9.; in passing laws, UTI ROGAS, VOLO vel JUBEO.

Sometimes a person nominated to be consul, &c. by the prærogative century, declined accepting, Liv. v. 18. xxvi. 22. or the magistrate presiding disapproved of their choice, and made a speech to make them alter it. Whereupon the century was recalled by a herald to give its vote anew, (*in suffragium revocata*, thus, REDITE IN SUFFRAGIUM, Liv. *ibid.*) and the rest usually voted the same way with it, (*auctoritatem prærogativæ secutæ sunt, eosdem consules ceteræ centuriæ sine variatione ulla dixerunt.*) Liv. xxiv. 8. & 9. In the same manner after a bill had been rejected by almost all the centuries, on a subsequent day (*alteris comitiis*,) we find it unanimously enacted; as about declaring war on Philip, AB HAC ORATIONE IN SUFFRAGIUM MISSI, UT ROGARAT, BELLUM JUSSE- RUNT, Liv. xxxi. 8.

But in later times, that the people might have more liberty in voting, it was ordained by various laws, which were called LEGES TABELLARIÆ, that they should vote by ballot; first in conferring honours, by the *Gabinian* law made A. U. 614. Cic. de Amic. 12.; two years after, at all trials except for treason, by the *Cassian* law, Cic. Brut. 25. & 27.; in passing laws, by the *Papirian* law; A. U. 622. and lastly, by the *Cælian* law, A. U. 630.; also in trials for treason, which had been excepted by the *Cassian* law, Cic. de Leg. iii. 15.

The centuries being called by a herald in their order, moved from the place where they stood, and went each of them into an inclosure, (SEPTUM vel OVILE,) which was a place surrounded with boards, (*locus tabu- latis inclusus*,) and near the tribunal of the consul. Hence they were said to be *intro vocatæ*, *sc. in ovile*, Liv. x. 13. There was a narrow passage to it raised from the ground, called PONS or PONTICULUS, by which each cen- tury went up one after another, Suet. Jul. 80. Hence old men at sixty (SEXAGENARII) were said DE PONTE DEJICI;

DEJICI; and were called DEPONTANI, because after that age they were exempted from public business. *Varro & Festus*. But a very different cause is also by these authors assigned for this phrase. *Ibid*.

There were probably as many *Pontes* and *Septa* or *Ovilia*, as there were tribes and centuries. Hence Cicero usually speaks of them in the plural; thus, *Pontes Lex Maria fecit angustos*, de Leg. iii. 17.; *Opera Clodiana pontes occupârunt*, Attic. i. 14.; *Cepio cum bonis viris impetum facit, pontes dejicit*, &c. ad Herenn. i. 12. *Cum Clodius in Septa irruisset*, pro Mil. 15. So *miserâ maculavit ovilia Romæ*, Lucan. Pharsal. ii. 197.

Some think that each tribe and century voted in its own *ovile*; *Serv. in Virg. Ecl. i. 34*. But this does not seem consistent with what we read in other authors.

At the entrance of the *pons*, each citizen received from certain officers called DIRIBITORES, or *distributores*, ballots, (*tabulas* v. *tabellas*,) on which, if magistrates were to be created, were inscribed the names of the candidates, not the whole names, but only the initial letters, *Cic. pro Dom. 43.*; and they seem to have received as many tablets as there were candidates. We read of other tablets being given in than were distributed, which must have been brought from home, *Sust. Jul. 80.*; but as no regard was paid to them; this seldom happened.

If a law was to be passed, or any thing to be ordered; as in a trial, or in declaring war, &c. they received two tablets, on the one were the letters U. R. i. e. UTI ROGAS, sc. *volo vel jubeo*, I am for the law; and on the other A, for ANTIQUO, i. e. *Antiqua probo, nihil novi statui volo*: I like the old way, I am against the law. Hence *antiquare legem*, to reject it.

Of these tablets every one threw which he pleased into a chest (*in cistam*) at the entrance of the *ovile*, which was pointed out to them by the ROGATORES, who asked for the ballots, and anciently for the votes, when they were given *vivâ voce*, *Cic. de Divin. ii. 35*. Then certain persons called CUSTODES, who observed that no fraud should be committed in casting lots and voting,

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(*in sortitione et suffragiis*,) took out (*educebat*) the ballots, and counted the votes by points marked on a tablet, which was called *DIRIMERE suffragia*, or *DIREMPTIO suffragiorum*, Lucan. v. 393.; whence *omne punctum ferre*, for *omnibus suffragiis renunciari*, to gain every vote: and what pleased the majority, was declared by a herald to be the vote of that century. Thus all the centuries were called one after another, till a majority of centuries agreed in the same opinion; and what they judged was held to be ratified.

The *Diribitores*, *Rogatores*, and *Custodes*, were commonly persons of the first rank, and friends to the candidates, or favourers of the law to be passed, who undertook those offices voluntarily. *Cic. in Pis. 15.*; *post red. in Sen. 11.* Augustus is supposed to have selected 900 of the equestrian order to be *Custodes* or *Rogatores*, (*ad custodiendas cistas suffragiorum.*) Plin. xxxiii. 2.

If the points of any century were equal, its vote was not declared, but was reckoned as nothing, except in trials, where the century which had not condemned, was supposed to have acquitted.

The candidate who had most votes, was immediately called by the magistrate who presided; and after a solemn prayer, and taking an oath, was declared to be elected (*renunciatus est*) by a herald. *Cic. pro leg. Manil. 1.*; *pro Muræn. 1.*; *in Rull. ii. 2.* Then he was conducted home by his friends and dependants with great pomp.

It was esteemed very honourable to be named first, *Cic. pro leg. Manil. 1.*

Those who were elected consuls, usually crowned the images of their ancestors with laurel, *Cic. Mur. 41.*

When one gained the vote of a century, he was said *ferre centuriam*, and *non ferre vel perdere*, to lose it; so *ferre repulsam*, to be rejected; but *ferre suffragium vel tabellam*, to vote: thus, *Meis comitiis non tabellam vindicem tacite libertatis, sed vocem vivam tulistis.* *Cic. in Rull. ii. 2.*

The magistrates created at the *Comitia Centuriata*, were said *feri, creari, declarari, nominari, dici, renuntiari, designari, &c.*

In creating magistrates this addition used to be made, to denote the fulness of their right; *UT QUI OPTIMA LEGE FUERINT; OPTIMO JURE; EO JURE, QUO QUI OPTIMO, Festus in OPTIMA LEX. Cic. in Rull. i. 11.; Phil. xi. 12.; Liv. ix. 34.*

When a law was passed, it was said *PERFERRI*; the centuries which voted for it, were said *LEGEM JUBERE V. ACCIPERE*; those which voted against it, *ANTIQUARE, VETARE, V. NON ACCIPERE. Lex ROGATUR, dum fertur: ABROGATUR, dum tollitur: DEROGATUR legi v. de lege, cum per novam legem aliquid veteri legi detrahatur: SUBROGATUR, cum aliquid adjicitur: OBROGATUR, cum nova lege infirmatur. Ulpian. & Festus. Ubi duæ contrariæ leges sunt, semper antiquæ obrogat nova*, the new invalidates the old. *Liv. ix. 34.*

Two clauses commonly used to be added to all laws; 1. *SI QUID JUS NON FUIT ROGARI, UT EJUS HAC LEGE NIHIL ESSET ROGATUM*; 2. *SI QUID CONTRA ALIAS LEGES EJUS LEGIS ERGO LATUM ESSET, UT EI, QUI EAM LEGEM ROGASSET, IMPUNE ESSET, Cic. Att. iii. 23.* which clause (*caput*) Cicero calls *TRANSLATITIVUM*, in the law of Clodius against himself, because it was transferred from ancient laws, *Ibid.*

This sanction used also to be annexed, *NE QUIS PER SATURAM ABROGATO*; i. e. *per legem in qua conjunctim multis de rebus una rogatione populus consulebatur. Festus.* Hence *exquirere sententias per saturam*, i. e. *passim, sine certo ordine*, by the gross or lump, *Sall. Jug. 29.* In many laws this sanction was added, *QUI ALITER vel SECUS FAXIT V. FECERIT, SACER ESTO*; i. e. *ut caput ejus, cum bonis vel familia, alicui deorum consecraretur v. sacrum esset*: that it might be lawful to kill the transgressor with impunity, *Liv. ii. 8.; iii. 55; Cic. pro Balb.*

When a law was passed, it was engraved on brass, and carried to the treasury. It used also to be fixed up in public,

public, in a place where it might be easily read, (*unde de plano*, i. e. from the ground, *legi posset*.) Hence *In capitolio legum ara liquefacta*, Cic. Cat. iii. 8. *Nec verba minacia fixo Ære legebantur*. Ovid. Met. i. 3. *Fixit leges pretio atque refixit*, made and unmade, *Virg. Æn. vi. 622*.

After the year of the city 598, when the consuls first began to enter on their office on the first day of January, the *comitia* for their election were held about the end of July or the beginning of August, unless they were delayed by the intercessions of the magistrates or by inauspicious omens. In the time of the first Punic war, the consuls entered on their office on the ides of March, and were created in January or February, *Liv. passim*. The prætors were always elected after the consuls, sometimes on the same day, *Liv. x. 22*. or the day after, or at the distance of several days, *Id.* From the time of their election till they entered on their office, they were called DESIGNATI.

The *comitia* for enacting laws or for trials, might be held on any legal day.

COMITIA TRIBUTA.

In the *Comitia Tributa* the people voted divided into tribes, according to their regions or wards, (*ex regionibus et locis*,) A. Gell. xv. 27.

The name of *tribes* was derived either from their original number three, (*a numero ternario*,) or from paying tribute, (*a tributo*,) *Liv. i. 43*.

The first three tribes were called RAMNENSES or *Rammes*, TATIENSES or *Titienses*, and LUCERES. The first tribe was named from Romulus, and included the Roman citizens who occupied the Palatine hill; the second from Titus Tatius, and included the Sabines who possessed the Capitoline hill; and the third from one Lucumo a Tuscan, or rather from the grove (*a luco*) which Romulus turned into a sanctuary, (*asylum retulit*, *Virg. Æn. viii. 342*.) and included all foreigners except

the Sabines. Each of these tribes at first had its own tribune or commander, (*Tribunus*, vel *præfectus*), *Dionys.* and its own augur, *Liv.* x. 6.

Tarquinius Priscus doubled the number of tribes, retaining the same names; so that they were called *Ramenses primi* and *Ramnenses secundi*, or *posteriores*, &c.

But as the *Luceres* in a short time greatly exceeded the rest in number, Servius Tullius introduced a new arrangement, and distributed the citizens into tribes, not according to their extraction, but from their local situation.

He divided the city into four regions or wards, called PALATINA, SUBURRANA, COLLINA, and ESQUILINA, the inhabitants of which constituted as many tribes, and had their names from the wards which they inhabited. No one was permitted to remove from one ward to another, that the tribes might not be confounded, *Dionys.* On which account certain persons were appointed to take an account where every one dwelt, also of their age, fortune, &c. These were called city tribes, (TRIBUS URBANÆ), and their number always remained the same.

Servius at the same time divided the Roman territory into fifteen parts, (some say sixteen, and some seventeen,) which were called country tribes, (TRIBUS RUSTICÆ), *Dionys.* iv.

In the year of the city 258, the number of tribes was made twenty-one, *Liv.* ii. 21. Here for the first time Livy directly takes notice of the number of tribes, although he alludes to the original institution of three tribes, x. 6.

The number of tribes was afterwards increased on account of the addition of new citizens at different times, *Liv.* vi. 5.; vii. 15.; viii. 17.; ix. 20.; x. 9.; *Epit.* xix. to thirty-five, *Liv.* xxiii. 13. which number continued to the end of the republic, *Liv.* i. 43.

After the admission of the Italian states to the freedom of the city, eight or ten new tribes are said to have been added, but this was of short continuance; for they were

were all soon after distributed among the thirty-five old tribes.

For a considerable time, according to the institution of Servius Tullius, a tribe was nothing else but the inhabitants of a certain region or quarter in the city or country; but afterwards this was altered; and tribes came to be reckoned parts not of the city or country, but of the state, (*non urbis, sed civitatis*). Then every one leaving the city tribes, wished to be ranked among the rustic tribes. This was occasioned chiefly by the fondness of the ancient Romans for a country life, and from the power of the censors, who could institute new tribes, and distribute the citizens, both old and new, into whatever tribes they pleased, without regard to the place of their habitation. But on this subject writers are not agreed. In the year 449, Q. Fabius separated the meaner sort of people from all the tribes through which they had been dispersed by Ap. Claudius, and included them in the four city tribes, *Liv. ix. 46*. Among these were ranked all those whose fortunes were below a certain valuation, called PROLETARII; and those who had no fortune at all, CAPITAE CENSI, *Gell. xvi. 10*. From this time, and perhaps before, the four city tribes began to be esteemed less honourable than the thirty-one rustic tribes; and some of the latter seem to have been thought more honourable than others, *Cic. pro Balbo, 25*. Hence when the censors judged it proper to degrade a citizen, they removed him from a more honourable to a less honourable tribe, (*tribu movebant*;) and whoever convicted any one of bribery upon trial, obtained by law as a reward, if he chose, the tribe of the person condemned. *Cic. ibid.*

The rustic tribes had their names from some place; as, *Tribus Aniensis, Arnionensis, Cluvia, Crustumina, Falerina, Lemonia, Mæcia, Pomptina, Quirina, Romilia, Scaptia, &c.* or from some noble family; as, *Aimilia, Claudia, Cluentia, Cornelia, Fabia, Horatia, Julia, Minucia, Papiria, Sergia, Terentina, Veturia, &c.*

Sometimes the name of one's tribe is added to the name of a person, as a surname; thus, *M. Oppius M. F. Terentina*, Cic. Fam. viii. 7.; Att. iv. 16.

The *Comitia Tributa* began first to be held two years after the creation of the tribunes of the people, A. U. 263, at the trial of Coriolanus. But they were more frequently assembled after the year 282, when the Publilian law was passed, that the plebeian magistrates should be created at the *Comitia Tributa*. Liv. ii. 56.

The *Comitia Tributa* were held to create magistrates, to elect certain priests, to make laws, and to hold trials.

At the *Comitia Tributa* were created all the *inferior city magistrates*, as the *Ædiles*, both curule and plebeian, the tribunes of the commons, questors, &c. All the *provincial magistrates*, as the proconsuls, proprætors, &c.; also commissioners for settling colonies, &c. The *pontifex maximus*, and after the year 650, the other *pontifices*, *augurs*, *feciales*, &c. by the Domitian law, Suet. Ner. 2. For before that the inferior priests were all chosen by their respective colleges, (*a collegiis suis cooptabantur*). But at the election of the *pontifex maximus* and the other priests, what was singular, only seventeen tribes were chosen by lot to vote, and a majority of them, namely nine, determined the matter, Cic. Rull. ii. 7.

The laws passed at these *comitia* were called *PLEBISCITA*, (*quæ plebs suo suffragio sine patribus jussit, plebeio magistratu rogante*, Festus.) which at first only bound the Plebeians, but after the year 306, the whole Roman people, Liv. iii. 55.

Plebiscita were made about various things; as about making peace, Liv. xxxiii. 10. about granting the freedom of the city, about ordering a triumph when it was refused by the senate, Liv. iii. 63. about bestowing command on generals on the day of their triumph, Liv. xxvi. 21. about absolving from the laws, which in later times the senate assumed as its prerogative, *Ascon. in Cic. ad Cornel.* &c.

There were no capital trials at the *Comitia Tributa*; these

these were held only at the *Centuriata*: but about imposing a fine, *Liv.* iv. 41. And if any one accused of a capital crime did not appear on the day of trial, the *Tributa Comitia* were sufficient to decree banishment against him, (*id ei justum exilium esse scivit plebs*). *Liv.* xxvi. 3.; xxv. 4.

All those might vote at the *Comitia Tributa*, who had the full right of Roman citizens, whether they dwelt at Rome or not. For every one was ranked in some tribe, in which he had a right to vote, *Liv.* xlv. 15. Some had two tribes; one in which they were born, and another, either by right of adoption, as Augustus had the Fabian and Scaptian tribes, *Suet. Aug.* 40. or as a reward for accusing one of bribery, (*legis de ambitu præmia*), *Cic. pro Balbo*, 25.

At the *Comitia Tributa* the votes of all the citizens were of equal force, and therefore the patricians hardly ever attended them. On which account, as some think, they are said to have been entirely excluded from them. But about this writers are not agreed.

The *comitia* for creating tribunes and plebeian ædiles, were held by one of the tribunes to whom that charge was given, either by lot or by the consent of his colleagues, *Liv.* iii. 64.; but for creating curule ædiles and other inferior magistrates, by the consul, dictator, or military tribunes; for electing priests, by the consul only. *Cic. ad Brut.* 5.

The *Comitia Tributa* for passing laws and for trials, were held by the consuls, prætors, or tribunes of the commons. When the consul was to hold them, he by his edict summoned the whole Roman people, but the tribunes summoned only the plebeians, *Gell.* xv. 17. Hence they are sometimes called *comitia populi*, and sometimes *concilium plebis*: In the one the phrase was *populus jussit*, in the other *plebs scivit*. But this distinction is not always observed.

The *Comitia Tributa* for electing magistrates were usually held in the campus Martius, *Cic. Att.* i. 1.; iv. 3.; *Ep. Fam.* vii. 30. but for passing laws and for trials,

trials, commonly in the forum; sometimes in the capitol, *Liv.* xxxiii. 10. and sometimes in the *circus Flaminius*, *Liv.* xxvii. 21. anciently called *prata Flaminia* or *circus Apollinaris*, *Id.* iii. 63. where also Q. Furius, the Pontifex Maximus, held the *comitia* for electing the tribunes of the commons after the expulsion of the *Decemviri*, *Liv.* iii. 54.

In the forum there were separate places for each tribe marked out with ropes, *Dionys.* vii. 59.

In the campus Martius, Cicero proposed building in Cæsar's name marble inclosures (*septa marmorea*), for holding the *Comitia Tributa*, *Cic. Att.* iv. 16. which work was prevented by various causes, and at last entirely dropped upon the breaking out of the civil wars; but it was afterwards executed by Agrippa, *Dio.* liii.; *Plin.* xvi. 40.

The same formalities almost were observed in summoning and holding the *Comitia Tributa* as in the other *comitia*, only it was not requisite for them to have the authority of the senate, or that the auspices should be taken. But if there had been thunder or lightning, (*si tonuisset aut fulgurasset*), they could not be held that day. For it was a constant rule from the beginning of the republic, JOVE FULGENTE, CUM POPULO AGINFAS ESSE. *Cic. in Vat.* 8. *Comitiorum solum vitium est fulmen.* *Id. de Div.* ii. 18.

The *Comitia Tributa* for electing magistrates, after the year 598, were held about the end of July or the beginning of August, for electing priests, when there was a vacancy, and for laws and trials on all comitial days.

Julius Cæsar first abridged the liberty of the *comitia*. He shared the right of creating magistrates with the people; so that except the competitors for the consulship, whose choice he solely determined himself, the people chose one half, and he nominated (*edebat*) the other. This he did by billets dispersed through the several tribes to this effect, CÆSAR DICTATOR ILLI TRIBUI. COMMENDO VOBIS ILLUM, ET ILLUM, UT VES-

TRO

TRO SUFFRAGIO SUAM DIGNITATEM TENEANT. *Suet. Cæs. 41.*

Augustus restored this manner of election after it had been dropped for some time during the civil wars, which followed Cæsar's death. *Suet. Aug. 40.; Dio, liii.*

Tiberius deprived the people altogether of the right of election, *Juv. x. 77.* and assuming the nomination of the consuls to himself, he pretended to refer the choice of the other magistrates to the senate, but in fact determined the whole according to his own pleasure, *Tacit. Ann. i. 15.; Dio Cass. lviii.* Caligula attempted to restore the right of voting to the people, but without any permanent effect, *Suet. Calig. 16.* The *comitia* however were still for form's sake retained. And the magistrates, whether nominated by the senate or the prince, appeared in the *campus Martius* attended by their friends and connections, and were appointed to their office by the people with the usual solemnities, *Plin. Paneg. 63.*

ROMAN MAGISTRATES.

Different forms of Government, and different Magistrates at different times.

Rome was at first governed by kings; but Tarquin the 7th king being expelled for his tyranny A. U. 244. the regal government was abolished, and two supreme magistrates were annually created in place of a king, called CONSULS. In dangerous conjunctures a DICTATOR was created with absolute authority; and when there was a vacancy of magistrates, an INTER-REX was appointed to elect new ones.

In the year of the city 301, *Liv. iii. 33.* or according to others 302, in place of consuls, ten men (DECEMVIRI)

CEMVIRI) were chosen to draw up a body of laws, (*ad leges scribendas*). But their power lasted only two years; and the consular government was again restored.

As the consuls were at first chosen only from the patricians, and the plebeians wished to partake of that dignity; after great contests it was at last determined A. U. 310. that, instead of consuls, six supreme magistrates should be annually created, three from the patricians, and three from the plebeians, who were called **MILITARY TRIBUNES**, (*Tribuni militum consulari potestate*). There were not, however, always six tribunes chosen; sometimes only three, *Liv.* iv. 6. 16. 25. & 42. sometimes four, *Id.* 31. 35. & 44. and sometimes even eight, *Liv.* v. 1. Nor was one half always chosen from the patricians and another half from the plebeians. They were on the contrary usually all patricians, *Liv.* iv. 25. 44. 56, &c. For upwards of seventy years sometimes consuls were created, and sometimes military tribunes, as the influence of the patricians or plebeians was superior, or the public exigences required, till at last the plebeians prevailed A. U. 387, that one of the consuls should be chosen from their order, and afterwards that both consuls might be plebeians; which however was rarely the case, but the contrary. From this time the supreme power remained in the hands of the consuls till the usurpation of Sylla A. U. 672, who having vanquished the party of Marius, assumed to himself absolute authority under the title of *Dictator*, an office which had been disused above 120 years. But Sulla having voluntarily resigned his power in less than three years, the consular authority was again restored, and continued till Julius Cæsar, having defeated Pompey at the battle of Pharsalia, and having subdued the rest of his opponents, in imitation of Sylla, caused himself to be created perpetual dictator, and oppressed the liberty of his country, A. U. 706. After this the consular authority was never again completely restored. It was indeed attempted, after the murder of Cæsar in the senate-house on the ides of March A. U. 710, by Brutus

tus and Cassius and the other conspirators; but M. Antonius, who desired to rule in Cæsar's room, prevented it. And Hirtius and Panfa, the consuls of the following year, being slain at Mutina, Octavius, who was afterwards called Augustus, Antony, and Lepidus, shared betwixt them the provinces of the republic, and exercised absolute power under the name of *TRIUMVIRI re publicæ constituendæ*.

After the overthrow of Brutus and Cassius at the battle of Philippi A. U. 712. Augustus on a slight pretext deprived Lepidus of his command, and having vanquished Antony in a sea-fight at Actium, became sole master of the Roman empire A. U. 723, and ruled it for many years under the title of PRINCE or EMPEROR, (*Princeps, vel Imperator*). The liberty of Rome was now entirely extinguished; and although Augustus endeavoured to establish a civil monarchy, the government perpetually tended to a military despotism, equally fatal to the characters and happiness of prince and people.

In the beginning of the republic, the consuls seem to have been the only stated magistrates; but as they, being engaged almost in continual wars, could not properly attend to civil affairs, various other magistrates were appointed at different times, the prætors, censors, ædiles, tribunes of the commons, &c. Under the emperors various new magistrates were instituted.

OF MAGISTRATES in general.

A magistrate is a person invested with public authority. (*Magistratus est, qui præsit. Cic. Dicitur magistratus a magistro. Magister autem est, qui plus aliis potest. Festus.*)

The office of a magistrate in the Roman republic was different from what it is among us. The Romans had not the same discrimination betwixt public employments that
we

we have. The same person might regulate the police of the city and direct the affairs of the empire, propose laws, and execute them, act as a judge or a priest, and command an army. The civil authority of a magistrate was called *magistratus* or *potestas*, his judicative power *jurisdictio*, and his military command *imperium*. Anciently all magistrates who had the command of an army were called PRÆTORES; (*vel quod ceteros præirent, vel quod aliis præessent*. Ascon. in Cic.

MAGISTRATUS either signifies a *magistrate*; as, *magistratus jussit*: or a *magistracy*; as, *Titio magistratus datus est*. Festus. So POTESTAS; as, *Habere potestatem, gerere potestates, esse in v. cum potestate*, to bear an office; *Gabiorum esse potestas*, to be a magistrate of Gabii. Juv. x. 99. *Jurisditionem tantum in urbe delegari magistratibus solitam, etiam per provincias, POTESTATIBUS delegavit*. Suet. MAGISTRATUS was properly a civil magistrate or magistracy in the city; and POTESTAS in the provinces: (*Magistratus, vel is, qui in potestate aliqua sit, ut putà proconsul, vel prætor, vel alii, qui provincias regunt, Ulpian.*) but this distinction is not always observed.

When a magistrate was invested with military command by the people, for the people only could do it, he was said *esse in vel cum imperio*, in *justo v. summo imperio*. (*Cum imperio esse dicitur, cui nominatim est a populo mandatum imperium*. Festus.) Thus, *Abstinentiam neque in imperiis, neque in magistratibus præstitit*, i. e. *neque cum exercitui præesset & jus belli gerendi haberet, neque cum munera civilia in urbe gereret*. Suet. Cæf. 54. *Nemine cum imperio* (military command) *aut magistratu* (civil authority), *tendente quòquam, quin Rhodum diverteret*. Id. Tib. 12. So *magistratus & imperia capere*, to enjoy offices civil and military. Id. Cæf. 75. But we find *Esse in imperio* simply for *Esse Consulem*, Liv. iv. 7. and all those magistrates were said *Habere imperium*, who held great authority and power, (*qui et coercere aliquem possent, et jubere in carcerem duci*. Paull. l. 2. ff. de in jus vocando), as the dictator, consuls, and prætors. Hence they were

said

said to do any thing *pro imperio*, Liv. ii. 56. whereas the inferior magistrates, the tribunes of the commons, the ædiles, and quæstors, were said *esse sine imperio*, and to act only *pro potestate*, Liv. ii. 56. iv. 26. Sometimes *potestas* and *imperium* are joined; thus, *Togatus in repub. cum potestate imperioque versatus est*. Cic. Phil. i. 7.

Division of MAGISTRATES.

The Roman magistrates were variously divided; into ordinary and extraordinary, greater and less, curule and not curule; also patrician and plebeian, city and provincial magistrates.

The MAGISTRATUS ORDINARII were those who were created at stated times, and were constantly in the republic; the EXTRAORDINARII not so.

The MAGISTRATUS MAJORES were those who had what were called the greater auspices, (*quæ minoribus magis rata essent*, Gell. xiii. 15.). The *magistratus majores ordinarii* were the consuls, prætors, and censors, who were created at the *Comitia Centuriata*. The *extraordinarii* were the dictator, the master of the horse, the interrex, the præfect of the city, &c.

The MAGISTRATUS MINORES ORDINARII were the tribunes of the commons, the ædiles, and quæstors; EXTRAORDINARII, the *præfectus annonæ*, *duumviri navales*, &c.

The MAGISTRATUS CURULES were those who had the right of using the *fella curulis* or chair of state, namely the dictator, the consuls, prætors, censors, and curule ædiles. All the rest, who had not that right, were called NON CURULES. (*Curules magistratus appellati sunt, quia curra vehebantur*, Festus; *In quo curru fella curulis erat, supra quam considerent*, Gell. iii. 18.). The *fella curulis* was anciently made of ivory,

or at least adorned with ivory; hence Horace calls it *curule ebur*, Ep. i. 6. 53. The magistrates sat on it in their tribunal on all solemn occasions.

In the beginning of the republic, the magistrates were chosen only from the patricians, but in process of time also from the plebeians, except the *interrex* alone. (*quem et ipsum patricium esse, et a patriciis prodi necesse erat.* Cic. pro dom. 14.). The plebeian magistrates were the *ædiles* and *tribunes* of the commons.

Anciently there was no certain age fixed for enjoying the different offices, Cic. Phil. v. 17. A law was first made for this purpose (LEX ANNALIS) by L. Villius, (or L. Julius) a tribune of the commons, A. U. 573, whence his family got the surname of ANNALIS, Liv. xl. 43. although there seems to have been some regulation about that matter formerly, Id. xxv. 2. What was the year fixed for enjoying each office is not fully ascertained. See p. 4. It is certain that the prætorship used to be enjoyed two years after the ædileship, Cic. Famil. x. 25. and that the 43d was the year fixed for the consulship, Cic. Phil. v. 17. If we are to judge from Cicero, who frequently boasts that he had enjoyed every office in its proper year, (*se suo quemque magistratum anno gessisse*), the years appointed for the different offices by the *lex villia* were, for the quæstorship thirty-one, for the ædileship thirty-seven, for the prætorship forty, and for the consulship forty-three. But even under the republic popular citizens were freed from these restrictions, *Ibid.* and under the emperors they were altogether neglected.

It was ordained by the law of Romulus, that no one should enter on any office, unless the birds gave favourable omens: And by the CORNELIAN LAW, made by Sulla A. U. 673, that a certain order should be observed in obtaining preferments; that no one should be prætor before being quæstor, nor consul before being prætor; nor should enjoy the same office within ten years, nor two different offices in the same year, Appian, de bell. civ. i. p. 412.; Liv. xxxii. 7.; Cic. Phil. xi. 5.; Liv.

Liv. vii. 42. But these regulations also were not strictly observed.

All magistrates were obliged, within five days after entering on their office, to swear to observe the laws, (*in leges jurare*); *Liv.* xxxi. 5.; and after the expiration of their office, they might be brought to a trial, if they had done any thing amiss. *Liv.* xxxvii. 57.; *Suet. Jul.* 23.

K I N G S.

Rome was at first governed by kings, not of absolute power nor hereditary, but limited and elective. They had no legislative authority, and could neither make war nor peace without the concurrence of the senate and people.

The kings of Rome were also priests, and had the chief direction of sacred things, *Dionys.* ii. as among the Greeks, *Virg. Æn.* iii. 80.

The badges of the kings were the *Trabea*, i. e. a white robe adorned with stripes of purple, or the *toga prætexta*, a white robe fringed with purple, a golden crown, an ivory sceptre, the *sella curulis*, and twelve lic-tors, with the *fascæ* and *secures*, i. e. carrying each of them a bundle of rods, with an axe stuck in the middle of them.

The badges of the Roman magistrates were borrowed from the Tuscans. *Flor.* i. 5.; *Sall. Cat.* 51.

The regal government subsisted at Rome for 243 years under seven kings, *Romulus*, *Numa Pompilius*, *Tullus Hostilius*, *Ancus Martius*, *L. Tarquinius Priscus*, *Servius Tullius*, and *L. Tarquinius* surnamed SUPER-BUS from his behaviour; all of whom, except the last, so reigned, that they are justly thought to have laid the foundations of the Roman greatness, *Liv.* ii. 1. Tarquin being universally detested for his tyranny and cruelty, was expelled the city with his wife and family, on account of violence offered by his son Sextus to Lucretia, a noble Lady, the wife of Collatinus. This revolution

was brought about chiefly by means of L. Junius Brutus.

The haughtiness and cruelty of Tarquin inspired the Romans with the greatest aversion to regal government, which they retained ever afterwards. Hence *regiè facere*, to act tyrannically, *regii spiritus*, *regia superbia*, &c.

The next in rank to the king was the TRIBUNUS, or PRÆFECTUS CELERUM, who commanded the horse under the king, as afterwards the *magister equitum* did under the dictator.

When there was a vacancy in the throne, (INTER-REGNUM), which happened for a whole year after the death of Romulus, on account of a dispute betwixt the Romans and Sabines about the choice of a successor to him, the senators shared the government among themselves. They appointed one of their number, who should have the chief direction of affairs, with the title of INTERREX, and all the ensigns of royal dignity for the space of five days; after him another, and then another, till a king was created. *Liv.* i. 17.; *Dionys.* ii.

Afterwards under the republic an *interrex* was created to hold the elections, when there were no consuls or dictator, *Liv.* iii. 55. which happened either by their sudden death, or if the tribunes of the commons hindered the elections by their intercession, *Liv.* vi. 35.

ORDINARY MAGISTRATES.

I. CONSULS.

1. *The first Creation, different names, and badges of CONSULS.*

After the expulsion of the kings A. U. 244, two supreme magistrates were annually created with equal authority; that they might restrain one another, and not become insolent by the length of their command. *Cic. post. red. in Sen.*; 4. *Eutrop.* i. 9.

They

They were anciently called PRÆTORES, *Festus*; or JUDICES, *Varro de Lat. Ling.*; *Liv.* iii. 55. afterwards CONSULES, either from their consulting for the good of the state, (*a consulendo reipublicæ*), *Flor.* i. 9. or from consulting the senate, (*a consulendo senatum*), or from their acting as judges, (*a judicando*), *Cic. de leg.* iii. 3.; *Quintil.* i. 9. From their possessing supreme command, the Greeks called them ΤΗΛΑΤΟΙ.

If one of the consuls died, another was substituted (*subrogatus vel suspectus*), in his room for the rest of the year; but he could not hold the *comitia* for electing new consuls. *Liv.* xli. 18.

The *insignia* of the consuls were the same with those of the kings, except the crown; namely, the *toga prætexta*, *sella curulis*, the sceptre or ivory staff, (*scipio eburneus*), and twelve lictors with the *fascies* and *secures*.

Within the city the lictors went before only one of the consuls, *Liv.* ii. 1. and that commonly month about, (*mensibus alternis*). A public servant, called *accensus*, went before the other consul, and the lictors followed; which custom, after it had been long disused, Julius Cæsar restored in his first consulship. *Suet. Jul.* 20. He who was eldest, or had most children, or who was first elected; or had most suffrages, had the *fascies* first. *Gell.* ii. 15.; *Liv.* ix. 8. According to Dionysius the lictors at first went before both consuls, and were restricted to one of them by the law of Valerius Poplicola. *lib.* v. 2.

2. The Power of the CONSULS.

As the consuls at first had almost the same badges with the kings, so they had nearly the same power. *Liv.* ii. 1. But Valerius, called POPLICOLA, (*a populo colendo*), took away the *securis* from the *fascies*, (*securim fascibus ademit*), i. e. he took from the consuls the power of life and death, and only left them the right of scourging, at least within the city, *Dionys.* v.; for without the city, when invested with military command,

they still retained the *securæ*, i. e. the right of punishing capitally. *Liv. xxiv. 9.*

When the consuls commanded different armies, each of them had the *fascæ* and *securæ*; but when they both commanded the same army, they commonly had them day about, (*alternis imperitabant*), *Liv. xxii. 41.*

Poplicola likewise made a law, granting every one the liberty of appealing from the consuls to the people; and that no magistrate should be permitted to punish a Roman citizen who thus appealed, *Liv. ii. 8.*; which law was afterwards once and again renewed, and always by persons of the Valerian family. *Id. iii. 55. x. 9.* But this privilege was also enjoyed under the kings, *Liv. i. 26.; viii. 35.*

Poplicola likewise ordained, that when the consuls came into an assembly of the people, the lictors should lower the *fascæ* in token of respect, *Liv. ii. 7.* and also that whoever usurped an office without the consent of the people might be slain with impunity, *Dionys. v.* But the power of the consuls was chiefly diminished by the creation of the tribunes of the commons, who had a right to give a negative to all their proceedings, (*omnibus actis intercedere*). Still however the power of the consuls was very great, and the consulship was considered as the summit of all popular preferments, (*honorum populi finis*), *Cic. pro Planc. 25.*

The consuls were at the head of the whole republic. *Cic. pro Mur. 35.* All the other magistrates were subject to them, except the tribunes of the commons. They assembled the people and senate, laid before them what they pleased, and executed their decrees. The laws which they proposed and got passed, were commonly called by their name. They received all letters from the governors of provinces, and from foreign kings and states, and gave audience to ambassadors. The year was named after them, as it used to be at Athens from one of the Archons. Thus, *M. Tull. Cicerone et L. Antonio Consulibus*, marked the 690th year of Rome. Hence *numerare multos consules*, for *annos*: *Sen. ep. 4.*

And

And the consuls were said *Aperire annum, fastosque reserare*. Plin. Pan. 58.

He who had most suffrages was called CONSUL PRIOR, and his name was marked first in the calendar, (*in fastis*). He also had the *fasces* first, and usually presided at the election of magistrates for the next year.

Every body went out of the way, uncovered their heads, dismounted from horseback, or rose up to the consuls as they passed by, *Sen. ep.* 64. If any one failed to do so, and the consul took notice of it, he was said to order the lictor ANIMADVERTERE. *Liv.* xxiv. 44.; *Suet. Jul.* 80.

In the time of war, the consuls possessed supreme command. They levied soldiers, and provided what was necessary for their support. They appointed the military tribunes, or tribunes of the legions, (in part; for part was created by the people,) the centurions, and other officers. *Cic. de Leg.* iii.; *Polyb.* vi. 34.

The consuls had command over the provinces, *Cic. Phil.* iv. 4. and could, when authorised by the senate, call persons from thence to Rome, (*Romam evocare, excire v. accire*), and punish them; *Cic. in Verr.* i. 33.; *Liv.* xxix. 15. They were of so great authority, that kings, and foreign nations, in alliance with the republic, were considered to be under their protection. *Cic. pro Sext.* 30.

In dangerous conjunctures the consuls were armed with absolute power by the solemn decree of the senate, "UT VIDERENT," *vel* DARENT OPERAM, &c. *Liv.* iii. 4. vi. 19. See page 21. In any sudden tumult or sedition, the consul called the citizens to arms in this form; QUI REMPUBLICAM SALVAM ESSE VELIT, ME SEQUATUR. *Cic. pro Rabir.* 7.; *Tusc. Quest.* iv.

Under the emperors the power of the consuls was reduced to a mere shadow; their office then only was to consult the senate, and lay before them the ordinances (*placita*) of the emperor, to appoint tutors, to manumit slaves, to let the public taxes, which had formerly belonged

longed to the censors, to exhibit certain public games and shews, which they also sometimes did under the republic, *Cic. Off. ii. 17.* to mark the year by their name, &c. They retained however the badges of the ancient consuls, and even greater external pomp. For they wore the *toga picta* or *palmata*, and had their *fascēs* wreathed with laurel, which used formerly to be done only by those who triumphed. They also added the *securis* to the *fascēs*.

3. *The day on which the CONSULS entered on their Office.*

In the beginning of the republic the consuls entered on their office at different times; at first on the 23d or 24th February, (VII. vel VI. *Kal. Mart.*), the day on which Tarquin was said to have been expelled, *Ovid. Fast. ii. 685*, which was held as a festival, and called REGIFUGIUM, *Festus*: afterwards on the 1st of August, (*Kal. Sext.*), which was at that time the beginning of the year, (i. e. of the consular, not of the civil year, which always began with January.) *Liv. iii. 6.* In the time of the *Decemviri*, on the 15th of May, (*Id. Maii*), *Id. 36.* About fifty years after on the 15th December, (*Id. Decemb.*) *Liv. iv. 37. v. 11.* Then on the first of July, (*Kal. Quintil.*) *Liv. v. 32. viii. 20.* which continued till near the beginning of the second Punic war, A. U. 530, when the day came to be the 15th March, (*Id. Mart.*) At last, A. U. 598, or 600, (*Q. Fulvio & T. Amio Coss.*) it was transferred to the first of January, (*in Kal. Jan.*) which continued to be the day ever after, (*DIES SOLENNIS magistratibus ineundis*), *Liv. Epit. 47.*; *Ovid. Fast. i. 81. iii. 147.*

After this the consuls were usually elected about the end of July or the beginning of August. From their election to the 1st January, when they entered on their office, they were called CONSULES DESIGNATI; and

and whatever they did in public affairs, they were said to do it by their *authority*, not by their *power*. (*Quod potestate nondum poterat, obtinuit auctoritate.*) *Cic. in Pis.* 4.; *Sext.* 32. Among other honours paid to them, they were always first asked their opinion in the senate, *Sec p.* 10. The interval was made so long, that they might have time to become acquainted with what pertained to their office; and that inquiry might be made, whether they had gained their election by bribery. If they were convicted of that crime upon trial, they were deprived of the consulship, and their competitors, who accused them, were nominated in their place, *Cic. pro Syll.* 17. & 32. They were also, besides being fined, declared incapable of bearing any office, or of coming into the senate, by the *Calpurnian* and other laws, *Cic. pro Cornel. Muren.* 23, &c. as happened to *Aufronius* and *Sylla*. *Sall. Cat.* 18. Cicero made the punishment of bribery still more severe by the *Tullian* law, which he passed by the authority of the senate, with the additional penalty of a ten years exile. *pro Mur.* 32.; in *Vatin.* 15.; *pro Sext.* 64.

The first time a law was proposed to the people concerning bribery was A. U. 397, by C. *Pætilius* a tribune of the commons, by the authority of the senate, (*auctoribus patribus; ut novorum maxime hominum ambitio, qui nundinas et conciliabula obire soliti erant, compri-meretur*). *Liv. vii.* 15.

On the first of January the senate and people waited on the new consuls (*salutabant*), at their houses, (which in after times was called *OFFICIUM*); whence being conducted with great pomp (which was called *PRO-CESSUS CONSULARIS*), to the capitol, they offered up their vows, (*vota nuncupabant*), and sacrificed each of them an ox to Jupiter; and then began their office (*munus suum auspicabantur*), by holding the senate, consulting it about the appointment of the Latin holydays, and about other things concerning religion. *Ovid. Pont.* iv. 4. & 9.; *Liv. xxi.* 63. xxii. 1. xxvi. 26.; *Cic. post red. ad Quir.* 5. Within five days they were obliged

obliged to swear to observe the laws, *Liv.* xxxi. 50. as they had done when elected. And in like manner when they resigned their office, they assembled the people and made a speech to them about what they had performed in their consulship, and swore that they had done nothing against the laws. But any one of the tribunes might hinder them from making a speech, and only permit them to swear, as the tribune Metellus did to Cicero; whereupon Cicero instantly swore with a loud voice, that he had saved the republic and the city from ruin: which the whole Roman people confirmed with a shout, and with one voice cried out, that what he had sworn was true; and then conducted him from the forum to his house with every demonstration of respect. *Cic. in Pis.* 3.; *Ep. Fam.* v. 2.

4. *The Provinces of the CONSULS.*

During the first days of their office the consuls cast lots, or agreed among themselves about their provinces; (*provincias inter se sortiebantur, aut parabant, vel comparabant: provincias partiti sunt.*) *Liv.* *passim*.

A province (PROVINCIA), in its general acceptation, is metaphorically used to signify the office or business of any one, whether private or public; thus, *O Geta, provinciam cepisti duram.* *Ter. Phorm.* i. 2. 22. Before the Roman empire was widely extended, the province of a consul was simply a certain charge assigned him, as a war to be carried on, &c. or a certain country in which he was to act during his consulship, *Liv.* v. 32. vii. 6. 12. viii. 1. 29. ix. 41. x. 12. xxvi. 29. xliii. 14. & 15.

Anciently these provinces used to be decreed by the senate after the consuls were elected, or had entered on their office; *Liv.* xxxii. 8. xxxiii. 29. *et alibi passim*. Sometimes the same province was decreed to both consuls. *Id.* x. 32. xxxiv. 42. xl. 1, &c. Thus both consuls were sent against the Samnites, and made to pass under

under the yoke by Pontius general of the Samnites, at the *Furcæ Caudinæ*, *Liv.* ix. 1, &c. So against Hannibal, at the battle of Cannæ. *Id.* xxii. 40. & xxv. 3. xxvii. 22, &c.

But by the *Sempronian* law, passed by C. Sempronius Gracchus, A. U. 631, the senate always decreed two provinces for the future consuls before their election, *Cic. pro Dom.* 9.; *de Prov. Conf.* 2.; *Sall. Jug.* 27. which they after entering on their office divided by lot or agreement, (*sorte vel comparatione partiti sunt.*) In later times the province of a consul was some conquered country, reduced to the form of a province, See p. 71. which each consul, after the expiration of his office, should command; for during the time of their consulship, they usually remained in the city.

The provinces decreed to the consuls, were called **PROVINCIAE CONSULARES**; to the prætors, **PRÆTORIÆ**.

Sometimes a certain province was assigned to some one of the consuls; as Etruria to Fabius, both by the decree of the senate and by the order of the people, *Liv.* x. 24. Sicily to P. Scipio, xxviii. 38. Greece, and the war against Antiochus, to L. Scipio, by the decree of the senate, *Id.* xxxvii. 1. This was said to be done *extra ordinem, extra sortem, vel sine sorte, sine comparatione*, *Id.* vi. 30.

It properly belonged to the senate to determine the provinces of the consuls and prætors. In appointing the provinces of the prætors, the tribunes might interpose their negative, but not in those of the consuls. *Cic. de Prov. Conf.* 8. Sometimes the people reversed what the senate had decreed concerning the provinces. Thus the war against Jugurtha, which the senate had decreed to Metellus, was given by the people to Marius: *Sall. Jug.* 73. And the attempt of Marius, by means of the tribune Sulpicius, to get the command of the war against Mithridates transferred from Sylla to himself by the suffrage of the people, gave occasion to the first civil war
at

at Rome; *Plut. in Mar. & Syll.*; *Appian. de bell. civ.* 1. and in fact gave both the occasion and the example to all the rest that followed. So when the senate, to mortify Cæsar, had decreed as provinces to him and his colleague Bibulus, the care of the woods and roads, *Suet. Jul.* 19. Cæsar, by means of the tribune Vatinius, procured from the people, by a new and extraordinary law, the grant of *Cisalpine Gaul*, with the addition of *Illyricum*, for the term of five years, *Ibid.* 22.; *Cic. pro Dom.* 9.; in *Vatin.* 15. and soon after also *Transalpine Gaul* from the senate, *Suet. ib.*; which important command was afterwards prolonged to him for other five years by the Trebonian law. *Liv. Epit.* 105; *Cic. de Prov. Conf.* 8.; *Epist. Fam.* i. 7. (See page 22.)

No one was allowed to leave his province without the permission of the senate; *Liv.* xxix. 19. which regulation however was sometimes violated upon extraordinary occasions. *Id.* x. 18. xxvii. 43.

If any one had behaved improperly, he might be recalled from his province by the senate, but his military command could only be abolished (*abrogari*) by the people. *Liv.* xxix. 19.

The senate might order the consuls to exchange their provinces, *Liv.* xxvi. 29. and even force them to resign their command. *Id.* v. 32.

Pompey in his third consulship, to check bribery, passed a law that no one should hold a province, till five years after the expiration of his magistracy; and that for these five years, while the consuls and prætors were disqualified, the senators of consular and prætorian rank, who had never held any foreign command, should divide the vacant provinces among themselves by lot. By which law the government of Cilicia fell to Cicero against his will. *Cic. Ep. Fam.* iii. 2. Cæsar made a law that the Prætorian provinces should not be held longer than a year, nor the consular more than two years. But this law, which is much praised by Cicero, was abrogated by Antony. *Cic. Phil.* i. 8.

5. *From what Order the CONSULS were created.*

The consuls were at first chosen only from among the patricians, but afterwards also from the plebeians. This important change, although in reality owing to weightier causes, was immediately occasioned by a trifling circumstance. M. Fabius Ambustus, a nobleman, had two daughters, the elder of whom was married to Sulpicius, a patrician, and the younger to C. Licinius Stolo, a plebeian. While the latter was one day visiting her sister, the licitor of Sulpicius, who was then military tribune, happened to strike the door with his rod, as was usual when that magistrate returned home from the Forum. The younger Fabia, unacquainted with that custom, was frightened at the noise, which made her sister laugh, and express surprise at her ignorance. This stung her to the quick; and upon her return home she could not conceal her uneasiness. Her father seeing her dejected, asked her if all was well; but she at first would not give a direct answer: and it was with difficulty he at last drew from her a confession, that she was chagrined at being connected with a man who could not enjoy the same honours with her sister's husband. For altho' it had been ordained by law, that the military tribunes should be created promiscuously from the patricians and plebeians, *Liv. iv. 6.* yet for forty-four years after their first institution, A. U. 311, to A. U. 355. no one plebeian had been created, *Liv. v. 12. vi. 37.* and very few afterwards. Ambustus therefore consoled his daughter with assurances, that she should soon see the same honours at her own house which she saw at her sister's. To effect this, he concerted measures with his son-in-law and one L. Sextius, a spirited young man of plebeian rank, who had every thing but birth to intitle him to the highest preferments.

Licinius and Sextius being created tribunes of the commons, *Liv. vi. 35.* got themselves continued in that
L office

office for ten years, *Ibid.* 42.; for five years they suffered no curule magistrates to be created, *Ibid.* 35. and at last prevailed to get one of the consuls created from among the plebeians, *Ibid.* 42.

L. SEXTIUS was the first plebeian consul, *Liv.* vii. 1. and the second year after him, C. Licinius Stolo, *Ibid.* 2. from whom the law ordaining one of the consuls to be a plebeian, was called LEX LICINIA. *Ibid.* 21. Sometimes both consuls were plebeians, *Id.* xxiii. 31. which was early allowed by law, vii. 42.: But this rarely happened; the patricians for the most part engrossed that honour, *Liv. passim.*; *Sall. Jug.* 73.; *Cic. in Rull.* ii. 1. The Latins once required, that one of the consuls should be chosen from among them, *Liv.* viii. 4. & 5. as did afterwards also the people of Capua, *Id.* xxxiii. 6. but both demands were rejected with disdain.

6. *The legal age, and other requisites for enjoying the Consulship.*

The legal age for enjoying the consulship (*Ætas CONSULARIS*) was forty-three; *Cic. Phil.* v. 17. and whoever was made consul at that age, was said to be made in his own year (*suo anno*), *Cic. in Rull.* ii. 2.

Before one could be made consul, it was requisite to have gone through the inferior offices of quæstor, ædile, and prætor. It behoved candidates for this office to be present, and in a private station (See p. 88.); and no one could be created consul a second time till after an interval of ten years, *Liv.* vii. 42. x. 13.

But these regulations were not always observed. In ancient times there seem to have been no restrictions of that kind, and even after they were made, they were often violated. Many persons were created consuls in their absence, and without asking it, and several below the legal age; thus, M. Valerius Corvus at twenty-three, *Liv.* vii. 26.; Scipio Africanus the elder at twenty-eight,

eight, *Id.* xxv. 2. xxvi. 18. xxviii. 38. and the younger at thirty-eight, *Id. Epit.* xlix.; Pompey, before he was full thirty-six years old, (*Ex S. C. legibus solutus consul antè fiebat, quàm ullum magistratum per leges capere licuisset*, i. e. before by law he could be made ædile, which was the first office properly called *Magistratus*, although that title is often applied also to the quæstorship and tribuneship, *Cic. pro leg. Manil.* 21.)

To some the consulship was continued for several years without intermission; as to Marius, *Liv. epit.* 67. who was seven times consul, and once and again created in his absence, *Ibid. et* 68. & 80. Several persons were made consuls without having previously borne any curule office, *Liv.* xxv. 42. xxxii. 7. Many were re-elected within a less interval than of ten years. *Liv. passim.* And the refusal of the senate to permit Cæsar to stand candidate in his absence, or to retain his province, gave occasion to the civil war betwixt him and Pompey, which terminated in the entire extinction of liberty, *Cæs. de bell. civ.* i. 2. & 3.

7. Alterations in the Condition of the CONSULS under the Emperors.

Julius Cæsar reduced the power of the consuls to a mere name. Being created perpetual dictator, all the other magistrates were subject to him. Although the usual form of electing consuls was retained, he assumed the nomination of them entirely to himself, *Cic. Phil.* ii. 32.; *Suet. Jul.* 41. & 76. He was dictator and consul at the same time, as Sylla had been before him; but he resigned the consulship when he thought proper, and nominated whom he chose to succeed him. When about to set out against the Parthians, he settled the succession of magistrates for two years, to come (*Consules et tribunos plebis in biennium, quos voluit*); *Cic. Att.* xiv. 6.; *Dio*, 43. He introduced a custom of substituting consuls at any time, for a few months or weeks; sometimes

only for a few days, or even hours; *Lucan.* v. 397.; *Suet. Jul.* 76.; *Cic. Fam.* vii. 30. that thus the prince might gratify a greater number with honours. Under Commodus there were twenty-five consuls in one year, *Lamprid.* 6. But the consuls who were admitted on the first day of January, gave name to the year, and had the title of ORDINARII, the others being stiled SUFFECTI or *Minores*.

Under the Emperors there were persons dignified merely with the title, without enjoying the office of consuls, (CONSULES HONORARII); as under the republic, persons who had never been consuls or prætors, on account of some public service, obtained the right of sitting and speaking in the senate, in the place of those who had been consuls or prætors, (*loco consulari vel prætorio*, *Cic. Phil.* i. 6. v. 17.) which was called *auctoritas vel sententia consularis aut prætoria*, *Cic. in Vatin.* 7.; in *Balb.* 25.

Those who had been consuls were called CONSULARES; *Cic. Fam.* xii. 4. &c. as those who had been prætors, were called PRÆTORII; ædiles, ÆDILITII; quæstors, QUÆSTORII.

Under Justinian consuls ceased to be created, and the year, of consequence, to be distinguished by their name, A. U. 1293. But the emperors still continued to assume that office the first year of their sovereignty. Constantine created two consuls annually; whose office it was to exercise supreme jurisdiction, the one at Rome, and the other at Constantinople.

II. PRÆTORS.

1. Institution and Power of the PRÆTOR.

The name of PRÆTOR (*is qui præit*), was anciently common to all the magistrates, *Liv.* iii. 55.; *Ascon. in Cic.* Thus the dictator is called *Prætor maximus*, *Liv.* vii. 3. But when the consuls, being engaged in almost

almost continual wars, could not attend to the administration of justice, a magistrate was created for that purpose, A. U. 389, to whom the name of PRÆTOR was thenceforth appropriated. He was at first created only from among the patricians, as a kind of compensation for the consulship being communicated to the plebeians; but afterwards A. U. 418, also from the plebeians, *Liv. viii. 15.* The prætor was next in dignity to the consuls, and was created at the *Comitia Centuriata* with the same auspices as the consuls, whence he was called their *colleague*, *Liv. vii. 1. viii. 32.; Gell. xiii. 14.* The first prætor was Sp. Furius Camillus, son to the great M. Furius Camillus, who died the year that his son was prætor, *Liv. vii. 1.*

When one prætor was not sufficient, on account of the number of foreigners who flocked to Rome, another prætor was added, A. U. 510, to administer justice to them, or betwixt citizens and them, (*qui inter cives Romanos et peregrinos jus diceret*), *Liv. epit. xix.—xxii. 35.* hence called PRÆTOR PEREGRINUS.

The two prætors after their election determined by casting lots, which of the two jurisdictions each should exercise.

The prætor who administered justice only betwixt citizens was called PRÆTOR URBANUS; and was more honourable; whence he was called PRÆTOR HONORATUS, *Ovid. Fast. i. 52.* MAJOR or MAXIMUS, *Festus in voce MAJOR CONSUL*; and the law derived from him and his edicts is called JUS HONORARIUM. In the absence of the consuls he supplied their place, (*munus consulare sustinebat*). *Cic. Fam. x. 12.* He presided in the assemblies of the people, and might convene the senate, but only when something new happened, *Cic. Fam. xii. 28.* He likewise exhibited certain public games, as, the *Ludi Apollinares*, *Liv. xxvii. 23.* the Circensian and Megalensian games, *Juvenal xi. 192.* and therefore had a particular jurisdiction over players, and such people, at least under the emperors, *Tacit. Ann. i. 77.* When there was no censor, he took care, according to

a decree of the senate, that the public buildings were kept in proper repair, (*Sarta tecta exigebat*). *Cic. in Verr. i. 50.* On account of these important offices he was not allowed to be absent from the city above ten days, *Cic. Phil. ii. 13.*

The power of the prætor in the administration of justice was expressed in these three words, DO, DICO, ADDICO. *Prætor DABAT actionem et judices*; the prætor gave the form of a writ for trying and redressing a particular wrong complained of, and appointed judges or a jury to judge in the cause; *DICEBAT jus*, pronounced sentence; *ADDICEBAT bona vel damna*, adjudged the goods of the debtor to the creditor, &c.

The days on which the prætor administered justice were called *DIES FASTI*, (*a fando, quod iis diebus hæc tria verba fieri licebat*). Those days on which it was unlawful to administer justice, were called *NEFASTI*.

*Ille NEFASTUS erit, per quem TRIA VERBA silentur :
FASTUS erit, per quem lege licebit agi.*

Ovid. Fast. i. 47.

2. EDICTS of the PRÆTOR.

The *Prætor Urbanus* when he entered on his office, after having sworn to the laws, published an edict, (*EDICTUM*) or system of rules, (*Formulam*), according to which he was to administer justice for that year; whence it is called by Cicero *LEX ANNUA*, *Cic. in Verr. i. 42.* Having summoned an assembly of the people, he publicly declared (*EDICEBAT*) from the *Rostra* what method he was to observe, (*quæ observaturus esset*), in administering justice, *Cic. de Fin. ii. 22.* This edict, he ordered not only to be recited by a herald, *Plaut. in prolog. Pænuli, 11*, but also to be publicly pasted up in writing, (*Scriptum in ALBO*, (i. e. *in tabula dealbata*, vel, ut alii dicunt, *albis literis notatâ*), publice proponi,

unde

unde de PLANO, (i. e. de humo), rectè legi possent;) in large letters, (*literis majusculis*), *Suet. Calig.* 41. These words used commonly to be prefixed to the edict, BONUM FACTUM, *Suet. Jul.* 80.; *Vitell.* 14.; *Plaut. ibid.*

Those edicts which the prætor copied from the edicts of his predecessors, were called TRALATITIA; those which he framed himself, were called NOVA; and so any clause or part of an edict, CAPUT TRALATITIUM vel NOVUM. *Cic. in Verr.* i. 45. But as the prætor often, in the course of the year, altered his edicts through favour or enmity, *Cic. in Verr.* i. 41. 46. this was forbidden, first by a decree of the senate, A. U. 585, and afterwards, A. U. 686, by a law which C. Cornelius got passed to the great offence of the nobility, UT PRÆTORES EX EDICTIS SUIS PERPETUIS JUS DICERENT, i. e. That the prætors, in administering justice, should not deviate from the form which they prescribed to themselves in the beginning of their office, *Ascon. in Orat. Cic. pro Corn.*—*Dio. Cass.* 36. From this time the law of the prætors, (*jus PRÆTORIUM*) became more fixed, and lawyers began to study their edicts with particular attention, *Cic. de leg.* i. 5. some also to comment on them, *Gell.* xiii. 10. By order of the Emperor Hadrian the various edicts of the prætors were collected into one, and properly arranged by the lawyer Salvius Julian, the great grandfather of the Emperor Didius Julian; which was thereafter called EDICTUM PERPETUUM, or JUS HONORARIUM, and no doubt was of the greatest service in forming that famous code of the Roman laws called the CORPUS JURIS, compiled by order of the Emperor Justinian.

Besides the general edict which the prætor published when he entered on his office, he frequently published particular edicts as occasion required, (*EDICTA PECU- LIARIA ET REPENTINA.*). *Cic. in Verr.* iii. 14.

An edict published at Rome was called EDICTUM URBANUM, *Ibid.* 43. in the provinces, PROVIN- CIALE, *Ibid.* 46.; *Siciliense*, 45. &c.

Some

Some think that the *Prætor Urbanus* only published an annual edict, and that the *Prætor Peregrinus* administered justice, either according to it, or according to the law of nature and nations. But we read also of the edict of the *Prætor Peregrinus*, *Cic. Fam. xiii. 59.* And it appears, that in certain cases he might even be appealed to for relief against the decrees of the *Prætor Urbanus*, *Cic. Verr. i. 46. ; Ascon. in Cic. ; Cas. de bell. civ. iii. 20.*

The other magistrates published edicts as well as the prætor; the kings, *Liv. i. 32. & 44. ;* the consuls, *Liv. ii. 24. viii. 6. ;* the dictator, *Liv. ii. 30. viii. 34. ;* the censors, *Liv. xliii. 14. ; Nep. in Cat. 1. ; Gell. xv. 11. ;* the curule ædiles, *Cic. Phil. ix. 7. ; Plaut. Captiv. iv. 2. v. 43. ;* the tribunes of the commons, *Cic. in Verr. ii. 41. ;* the quæstors, *Ibid. iii. 7.* So the provincial magistrates, *Cic. epist. passim. ;* and under the emperors, the præfect of the city, of the prætorian cohorts, &c. So likewise the priests, as the *pontifices* and *decemviri sacrorum*, *Liv. xl. 37.* the augurs, *Valer. Max. viii. 2.* and in particular the *pontifex maximus*, *Tacit. hist. ii. 91. ; Gell. ii. 28.* All these were called **HONORATI**, *Liv. xxv. 5. ; Ovid. Pont. iv. 5. v. 2.* or *Honore honestati*. *Sall. Cat. 34. honoribus honorati*, *Vellei. ii. 124. honore vel honoribus usi*, *Flor. i. 13. ; Cic. Flacc. 19.* and therefore the law which was derived from their edicts was also called **JUS HONORARIUM**. But of all these the edicts of the prætor were the most important.

The orders and decrees of the emperors were sometimes also called *edicta*, but usually *rescripta*. See p. 23.

The magistrates in composing their edicts took the advice of the chief men of the state; thus, *Consules, cum viros primarios atque amplissimos civitatis multos in consilium advocassent, de consilii sententia pronunciârunt*, &c. *Cic. Verr. iii. 7.* and sometimes of one another; thus, *Cum collegium prætorium tribuni pleb. adhibuissent, ut res nummaria de communi sententia constitueretur; conscripserunt communiter edictum*, *Cic. Off. iii. 20.* *Marius quod communiter compositum fuerat, solus edixit*, *Ibid.*

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The summoning of any one to appear in court, was likewise called *Edictum*. If a person did not obey the first summons, it was repeated a second and a third time; and then what was called a *peremptory summons* was given, (*EDICTUM PEREMPTORIUM dabatur, quod disceptationem perimeret, i. e. ultra tergiversari non pateretur*, which admitted of no farther delay); and if any one neglected it, he lost his cause. Sometimes a summons of this kind was given all at once, and was called *UNUM PRO OMNIBUS*, or *UNUM PRO TRIBUS*. We read of the senators being summoned to Rome from all Italy by an edict of the prætor, *Liv. xliii. 11.*

Certain decrees of the prætor were called *INTERDICTA*; as, about acquiring, retaining, or recovering the possession of a thing; to which Cicero alludes, *Urbanitatis possessionem quibusvis INTERDICTIS defendamus*, *Fam. vii. 32.* also about restoring, exhibiting, or prohibiting a thing; whence Horace, *Sat. ii. 3. v. 217.* *INTERDICTO huic (sc. infano) omne adimat jus prætor, i. e. bonis interdicat.* The prætor would take from him the management of his fortune, and appoint him a curator, *Id. Epist. i. 1.* according to a law of the Twelve Tables, (*quæ furiosis et male rem gerentibus bonis INTERDICI jubebat.*) *Cic. de Senect. 7.*

3. The INSIGNIA of the PRÆTOR.

The prætor was attended by two lictors, in the city, who went before him with the *fascēs*; and by six lictors without the city. He wore the *toga prætexta*, which he assumed, as the consuls did, on the first day of his office, after having offered up vows (*votis nuncupatis*) in the capitol.

When the prætor heard causes, he sat in the *Forum* or *Comitium*, on a *TRIBUNAL*, (*in*, or oftener *pro tribunali*), which was a kind of stage or scaffold, (*suggestum, v. us*), in which was placed the *Sella Curulis* of the prætor, *Cic. Verr. ii. 38.*; *Mart. xi. 99.* and a sword
and

and a spear (GLADIUS et HASTA) were set up-right before him. The *Tribunal* was made of wood and moveable, *Cic. in Vat.* 14.; *Suet. Cæs.* 84. so large as to contain the ASSESSORES or counsel of the prætor, *Cic. de Orat.* i. 37. and others, *Brut.* 84. in the form of a square, as appears from ancient coins. But when spacious halls were erected around the *Forum*, for the administration of justice, called BASILICÆ, or *Regia* sc. *ædes* vel *porticus*, *Suet. Aug.* 31.; *Stat. Silv.* 1. (Βασιλικαὶ σοδοί), *Zosim.* v. 2.; *Joseph. A.* xvii. 11. from their largeness and magnificence, the *Tribunal* in them seems to have been of stone, and in the form of a semicircle, *Vitruv.* v. 1. the two ends of which were called *Cornua*, *Tacit. Annal.* i. 75. or *Partes Primores*. *Suet. Tib.* 33. The first *Basilica* at Rome appears to have been built by M. Porcius Cato the Censor, A. U. 566, hence called *Porcia*, *Liv.* xxxix. 44.

The JUDICES or jury appointed by the prætor, sat on lower seats, called SUBSELLIA, *Cic. Rosc. Am.* 11.; as also did the advocates, *Id. de Orat.* i. 62. the witnesses, *Id. Flacc.* 10. and hearers, *Brut.* 84.; *Suet. Aug.* 56. Whence *Subsellia* is put for the act of judging, *Suet. Ner.* 17. or of pleading, *Cic. de Orat.* i. 8. ii. 33. thus, *Versatus in utrisque subselliis cum summa fama et fide*; i. e. *judicem et patronum egit*: *Cic. Fam.* xiii. 10. *A subselliis in otium se conferre*, to retire from pleading, *Id.*

The inferior magistrates, when they sat in judgement, (*judicia exercebant*), did not use a *tribunal*, but only *subsellia*; as, the tribunes, plebeian ædiles, and quæstors, &c. *Ascon. in Cic. Suet. Claud.* 23.

The benches on which the senators sat in the senate-house were likewise called *subsellia*, *Cic. in Cat.* i. 7. Hence, *Longi subsellii judicatio*, the slowness of the senate in decreeing, *Cic. Fam.* iii. 9. And so also the seats in the theatre, circus, &c. thus, *Senatoria subsellia*, *Cic. pro Corn.* 1. *Bis septena subsellia*, the seats of the *Equites*, *Mart.* v. 28.

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In matters of less importance the prætor judged and passed sentence without form, at any time or in any place, whether sitting or walking; and then he was said **COGNOSCERE**, *interloqui, discutere*, **E** vel **DE PLANO**; or, as Cicero expresses it, *ex æquo loco*, Fam. iii. 8.; Cæcin. 17. de Orat. 6. *non pro, vel e tribunali*, aut *ex superiore loco*; which expressions are opposed: So Suet. Tib. 33. But about all important affairs he judged in form on his *tribunal*.

The usual attendants (**MINISTRI** vel *apparitores*) of the prætor, besides the lictors, were the **SCRIBÆ**, who recorded his proceedings, (*qui acta in tabulas referrent*), Cic. Verr. iii. 78. & 79. and the **ACCENSI**, who summoned persons, and called out when it was the third hour, or 9 o'clock before noon; when it was mid-day, and when it was the ninth hour, or 3 o'clock afternoon, Varr. de ling. Lat. v. 9.

4. The number of PRÆTORS at different times.

While the Roman Empire was limited to Italy, there were only two prætors. When Sicily and Sardinia were reduced to the form of a province, A. U. 526. two other prætors were added to govern them, Liv. epit. xx.; and two more, when Hither and Farther Spain were subdued, Id. xxxii. 27. & 28. In the year 571, only four prætors were created by the *Babian* law, which ordained, that six prætors and four should be created alternately, Liv. xl. 44.; but this regulation seems not to have been long observed.

Of these six prætors two only remained in the city; the other four, immediately after having entered on their office, set out for their provinces. The prætors determined their provinces, as the consuls, by casting lots, or by agreement, Liv. passim.

Sometimes one prætor administered justice both betwixt citizens and foreigners, Liv. xxv. 3. xxvii. 38. xxx. 1. xxxv. 41.; and in dangerous conjunctures, none of the prætors

prætors were exempted from military service, *Id.* xxiii. 32.

The prætor *Urbanus* and *Peregrinus* administered justice only in private or lesser causes; but in public and important causes, the people either judged themselves, or appointed persons, one or more, to preside at the trial, (*qui quæstioni præessent*; *Cic. pro Cluent.* 29. *quærerent, quæstiones publicas vel judicia exercerent*, *Liv.* iv. 51. xxxviii. 55.; *Sall. Jug.* 40.) who were called QUÆSTITORES or *Quæstores parricidii*, whose authority lasted only till the trial was over. Sometimes a dictator was created for holding trials, *Liv.* ix. 26. But, A. U. 604, it was determined that the *Prætor Urbanus* and *Peregrinus* should continue to exercise their usual jurisdictions; and that the four other prætors should during their magistracy also remain in the city, and preside at public trials: one, at trials concerning extortion, (*de repetundis*); another, concerning bribery, (*de ambitu*); a third, concerning crimes committed against the state, (*de majestate*); and a fourth, about defrauding the public treasury, (*de peculatu*). These were called QUÆSTIONES PERPETUÆ; *Cic. Brut.* 26. because they were annually assigned (*mandabantur*) to particular prætors, who always conducted them for the whole year, (*qui perpetuò exercerent*), according to a certain form prescribed by law; so that there was no need, as formerly, of making a new law, or of appointing extraordinary inquisitors to preside at them, who should resign their authority when the trial was ended. But still, when any thing unusual or atrocious happened, the people or senate judged about the matter themselves, or appointed inquisitors to preside at the trial; and then they were said *extra ordinem quærere*: as in the case of *Clodius*, for violating the sacred rites of the *Bona Dea*, or good goddesses, *Cic. Att.* i. 13. 14. & 16.; and of *Milo*, for the murder of *Clodius*, *Cic. pro Mil.* &c.

L. Sulla increased the number of the *Quæstiones perpetuæ*, by adding those *de FALSO*, vel *de crimine falsi*, concerning forgers of wills or other writs, coiners or makers

makers of base money, &c. ; *de SICARIIS et VENEFICIS*, about such as killed a person with weapons or poison ; *et de PARRICIDIS* : on which account he created two additional prætors, A. U. 672 ; some say four. Julius Cæsar encreased the number of prætors, first to ten, A. U. 707 ; then to fourteen ; and afterwards to sixteen, *Dion. Cass. xlii. xliii.* The *triumviri* made 64 prætors, *Id. xlviii.* Augustus reduced the number to twelve, but afterwards made them sixteen, *Pompon. de orig. jur. ii. 28.* According to Tacitus, there were no more than twelve at his death, *Annal. i. 14.* Claudius added two prætors for the cognisance of trusts, (*qui de fideicommissis jus dicerent*). The number then was eighteen ; but afterwards it varied.

Upon the decline of the empire, the principal functions of the prætors were conferred on the *præfectus prætorio*, and other magistrates instituted by the emperors. The prætors of course sunk in their importance ; under Valentinian their number was reduced to three ; and this magistracy, having become an empty name, (*inane nomen*, Boeth. de consol. philos. iii. 4.), was at last entirely suppressed, as it is thought, under Justinian.

III. CENSORS.

Two magistrates were first created, A. U. 312, for taking an account of the number of the people, and the value of their fortunes, (*censui agendo*) ; whence they were called CENSORES, *Liv. et Fest.* As the consuls, being engaged in wars abroad, or commotions at home, had not leisure for that business, (*non consulibus operæ erat, sc. pretium, i. e. iis non vacabat id negotium agere*) ; the *census* had been intermitted for 17 years, *Liv. iii. 22. iv. 8.*

The cenfors at first continued in office for five years, *Ibid.* But afterwards, lest they should abuse their authority, a law was passed by Mamercus Atilius the dictator, ordaining, that they should be elected every

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five

five years ; but that their power should continue only a year and a half. (*Ex quinquennali annua ac semestris censura facta est*). *Liv.* iv. 24. ix. 33.

The censors had all the ensigns of the consuls, except the lictors.

The censors were usually chosen from the most respectable persons of consular dignity ; at first only from among the patricians, but afterwards likewise from the plebeians. The first plebeian censor was C. Marcius Rutilus, A. U. 404. who also had been the first plebeian dictator, *Liv.* vii. 22. Afterwards a law was made, that one of the censors should always be a plebeian. Sometimes both censors were plebeians, *Liv. epit.* 59. and sometimes those were created censors, who had neither been consuls nor prætors, *Liv.* xxvii. 6. & 11. ; but not so after the second Punic war.

The last censors, namely Paulus and Plancus, under Augustus, are said to have been private persons, (*PRIVATI*), *Dio*, liv. not that they had never borne any public office before, but to distinguish them from the Emperor ; all besides him being called by that name, *Suet. Tacit. & Plin. passim.*

The power of the censors at first was small ; but afterwards it became very great. All the orders of the state were subject to them, (*censoribus subjecti*, *Liv.* iv. 24.). Hence the censorship is called by Plutarch the summit of all preferments, (*omnium honorum apex*, vel *fastigium*), in *Cat. Maj.* ; and by Cicero, *magistra pudoris et modestiæ* : in *Pis.* 4. The title of Censor was esteemed more honourable than that of Consul ; as appears from ancient coins and statues ; and it was reckoned the chief ornament of nobility, to be sprung from a censorian family, *Valer.* viii. 13. ; *Tacit. Ann.* iii. 28. ; *Hist.* iii. 9.

The office of the censors was chiefly to estimate the fortunes, and to inspect the morals of the citizens, *Cic. de leg.* iii. 3.

The censors performed the *census* in the *campus Martius*. Seated in their curule chairs, and attended by their

their clerks and other officers, they ordered the citizens, divided into their classes and centuries, and also into their tribes, *Liv. xxix. 37.* to be called (*citari*) before them by a herald, each in his order, and to give an account of their fortunes, family, &c. according to the institution of Servius Tullius. *See p. 81.* At the same time they reviewed the senate and equestrian order, supplied the vacant places in both, and inflicted various marks of disgrace on those who deserved it. A senator they excluded from the senate-house, (*senatu movebant, vel ejiciebant*), *see p. 6.*; an *eques* they deprived of his public horse, (*equum adimebant*), *see p. 27.*; and any other citizen they removed from a more honourable to a less honourable tribe, (*tribu movebant*); or deprived him of all the privileges of a Roman citizen, except liberty, (*ararium faciebant*; *Liv. Qui per hoc non esset in albo centuriæ suæ, sed ad hoc esset civis tantum, ut pro capite suo tributum nomine æra penderet, Ascon. in Cic.*); or, as it is otherwise expressed, *in tabulas Caritum, vel inter Carites referebant, i. e. jure suffragii privabant*; *Gell. xvi. 13.* Hence *Cerite cerâ digni*, for worthless persons, *Horat. epist. i. 6. v. 63.* But this last phrase does not often occur. Cicero and Livy almost always use *Ærarium facere*; *in vel inter ararios referre*. This mark of disgrace was also inflicted on a senator or an *eques*, and was then always added to the mark of disgrace peculiar to their order; thus, *Censores Mamercum, qui fuerat dictator, tribu moverunt, octuplicatoque censu, (i. e. having made the valuation of his estate eight times more than it ought, that thus he might be obliged to pay eight times more tribute,) ararium fecerunt, Liv. iv. 24. Omnes, quos senatu moverunt, quibusque equos ademerunt, ararios fecerunt et tribu moverunt, xlii. 10.* The censors themselves did not sometimes agree about their powers in this respect: *Claudius negabat, Suffragii lationem injussu populi censorum cuiquam homini adimere posse. Neque enim si tribu movere posset, quod sit nihil aliud quam mutare jubere tribum, ideo omnibus v. & xxx. tribubus emovere posse: id est, civita-*

tem libertatemque eripere, non ubi censeatur finire, sed censu excludere. Hac inter ipsos disceptata, &c. Liv. xlv. 15.

The censors could inflict these marks of disgrace upon what evidence and for what cause they judged proper; but, when they expelled from the senate, they commonly annexed a reason to their censure, *Liv. xxxix. 42.* which was called SUBSCRIPTIO CENSORIA, *Cic. pro Cluent. 43. & 44.*

The censors not only could hinder one another from inflicting any censure, (*ut alter de senatu moveri velit, alter retineat; ut alter in ararios referri, aut tribu moveri jubeat, alter vetet, Cic. ibid. Tres ejecti de senatu; retinuit quosdam Lepidus a collega prateritos. Liv. xl. 51.*); but they might even stigmatise one another, *Liv. xxix. 37.*

The citizens in the colonies and free towns were there inrolled by their own censors, according to the form prescribed by the Roman censors, (*ex formula ab Romanis censoribus data*), and an account of them was transmitted to Rome, *Liv. xxix. 15.* So that the senate might see at one view the wealth and condition of the whole empire, *Ibid. 37.*

The censors divided the citizens into classes and centuries, according to their fortunes. They added new tribes to the old, when it was necessary, *Liv. x. 9.; Epit. 19.* They let the public lands and taxes, see p. 65.; and the regulations which they prescribed to the farmers-general (*mancipibus v. publicanis*) were called *Leges vel Tabulæ Censoriæ*, *Cic. Verr. iii. 6.; in Rull. i. 2.*

The censors agreed with undertakers about building and repairing the public works, such as temples, porticos, &c. (*opera publica ædificanda et reficienda REDEMPTORIBUS locabant*); which they examined when finished, (*probaverunt, i. e. rectè et ex ordine facta esse pronunciaverunt*); and caused to be kept in good repair, (*facta testia exigebant, sc. et.*), *Liv. iv. 22. xl. 51. xlii. 3. xlv. 15.*

The censors had the charge of paving the streets and making the public roads, bridges, aquæducts, &c. *Liv. ix. 29. & 43. xli. 27.* They likewise made contracts about furnishing the public sacrifices, *Plutarch in Cat.*
and

and horses for the use of the curule magistrates, *Liv.* xxiv. 18.; *Fest. in voc.* EQUI CURULES: also about feeding the geese which were kept in the Capitol, *Cic. pro Rosc. Am.* 20.

They took care that private persons should not occupy what belonged to the public, *Liv.* iv. 8. And if any one refused to obey their sentence, they could fine him, and distrain his effects till he made payment, *Liv.* xliii. 16.

The imposing of taxes is often ascribed to the censors; but this was done by a decree of the senate and the order of the people; without which the censors had not even the right of laying out the public money, nor of letting the public lands, *Liv.* xxvii. 11. xl. 46. xli. 27. xliv. 16. Hence the senate sometimes cancelled their leases, (*locationes inducebant*), when they disapproved of them, *Id.* xxxix. 44.

The censor had no right to propose laws, or to lay any thing before the senate or people, unless by means of the consul or prætor, or a tribune of the commons, *Plin. hist. nat.* xxxv. 17.; *Liv. loc. cit.*

The power of the censors did not extend to public crimes, or to such things as came under the cognisance of the civil magistrate, and were punishable by law; but only to matters of a private nature, and of less importance: as, if one did not cultivate his ground properly, *Gell.* iv. 12.; if an *eques* did not take proper care of his horse, which was called INCURIA or *Impolitia*, *Ibid.*; if one lived too long unmarried, or contracted debt without cause, &c. *Valer. Max.* ii. 9.; and particularly, if any one had not behaved with sufficient bravery in war, *Liv.* xxiv. 18. or was of dissolute morals, *Cic. Cluent.* 47.; above all, if a person had violated his oath, *Liv. Ibid.* & *Cic. Off.* iii. 31.

The accused were usually permitted to make their defence, (*causam dicere*), *Liv. loc. cit.*

The sentence of the censors, (ANIMADVERSIO CENSORIA vel *judicium censoris*), only affected the rank and character of persons. It was therefore properly called IGNOMINIA, (*quod in nomine tantum, i. e. dignitate versabatur*), and in later times had no other

effect, than of putting a man to the blush, (*nihil fere damnato afferebat præter ruborem*), *Cic.*

It was not fixed and unalterable, as the decision of a court of law, (*non pro re judicata habebatur*); but might be either taken off by the next censors, or rendered ineffectual by the verdict of a jury, or by the suffrages of the Roman people. Thus we find C. Geta, who had been extruded the senate by the censors, A. U. 639, the very next *lustrum* himself made censor, *Cic. pro Cluent.* 42. See p. 6. Sometimes the senate added force to the feeble sentence of the censors, (*inerti censoria notæ*), by their decree, which imposed an additional punishment, *Liv.* xxiv. 18.

The office of censor was once exercised by a dictator, *Liv.* xxiii. 22. & 23. After Sylla, the election of censors was intermitted for about 17 years, *Ascon. in Cic.*

When the censors acted improperly, they might be brought to a trial; as they sometimes were by a tribune of the commons, *Liv.* xxiv. 43. xliii. 15. 16. Nay we find a tribune ordering a censor to be seized and led to prison, *Liv.* ix. 34.; and even to be thrown from the Tarpeian rock, *Id. epit.* 59.; but both were prevented by their colleagues.

Two things were peculiar to the censors, 1. No one could be elected a second time to that office, according to the law of C. Martius Rutilus, who refused a second censorship when conferred on him, hence surnamed CENSORINUS, *Valer. Max.* iv. 1.—2. If one of the censors died, another was not substituted in his room; but his surviving colleague was obliged to resign his office, *Liv.* xxiv. 43. xxvii. 6.

The death of a censor was esteemed ominous, because it had happened that a censor died, and another was chosen in his place, in that *lustrum* in which Rome was taken by the Gauls, *Liv.* v. 31. vi. 27.

The censors entered on their office immediately after their election. It was customary, when the *comitia* were over, that they sat down on their curule chairs in the *campus Martius* before the temple of Mars, *Liv.* xl. 45.

Before

Before they began to execute their office, they swore that they would do nothing through favour or hatred, but that they would act uprightly; and when they resigned their office, they swore that they had done so. Then going up to the treasury, (*in ararium ascendentes*), they left a list of those whom they had made *ararii*. *Liv. xxix. 37.*

A record of the proceedings of the censors (*memoria publica recensionis, tabulis publicis impressa*) was kept in the temple of the nymphs, *Cic. pro Mil. 27.* and is also said to have been preserved with great care by their descendants, *Dionys. i.*

One of the censors, to whom it fell by lot, after the census was finished, offered a solemn sacrifice (*lustrum condidit*) in the *Campus Martius*. See p. 84.

The power of the censors continued unimpaired to the tribuneship of Clodius, A. U. 695, who got a law passed, ordering that no senator should be degraded by the censors, unless he had been formally accused and condemned by both censors; but this law was abrogated, and the powers of the censorship restored soon after by Q. Metellus Scipio, A. U. 701, *Ascon. in Cic.; Dio, xx.*

Under the emperors the office of censor was abolished; but the chief parts of it were exercised by the emperors themselves, or by other magistrates.

Julius Cæsar made a review of the people (*recensum populi egit,*) after a new manner, in the several streets, by means of the proprietors of the houses, (*vicatim per dominos insularum*), *Suet. Jul. 41.*; but this was not a review of the whole Roman people, but only of the poorer sort, who received a monthly gratuity of corn from the public, *Ibid.* which used to be given them in former times, first at a low price, *Liv. ii. 34.* and afterwards by the law of Clodius for nought, *Cic. pro Sext. 25.; Ascon. in Cic.*

Julius Cæsar was appointed by the senate to inspect the morals of the citizens for three years, *Dio, xliii.* under the title of PRÆFECTUS MORUM vel *mori-*
bus,

bus, Suet. Jul. 76.; Cic. Fam. ix. 15. A power similar to this seems to have been conferred on Pompey in his third consulship, (*corrigendis moribus delectus*). Tacit. Ann. ii. 28.

Augustus thrice made a review of the people; the first and last time with a colleague, and the second time alone.

He was invested by the senate with the same censorian power as Julius Cæsar, repeatedly for five years, according to Dion Cassius, liii. according to Sueton for life, (*recepit et morum legumque regimen perpetuum.*) Suet. Aug. 27. under the title of MAGISTER MORUM, Fast. Conf. Hence Horace, Epist. ii. 1.

*Cum tot sustineas, ac tanta negotia solus,
Res Italas armis tuteris, moribus ornes,
Legibus emendes, &c.*

Augustus however declined the title of censor; although he is so called by Macrobius, Sat. ii. 4. Some of the succeeding emperors assumed this title, particularly those of the Flavian family, but most of them rejected it, as Trajan, Plin. paneg. 45.; after whom we rarely find it mentioned.

Tiberius thought the censorship unfit for his time, (*non id tempus censura*), Tacit. Ann. ii. 33. It was therefore intermitted during his government; as it was likewise during that of his successor.

A review of the people was made by Claudius and L. Vitellius, the father of the emperor A. Vitellius, A. U. 800, Suet. Claud. 16.; Vit. 2.; by Vespasian and Titus, A. U. 827. Suet. Vesp. 8.; Tit. 6.; but never after. Censorinus de die nat. 18. says, that this review was made only seventy-five times during 650, or rather 630 years, from its first institution under Servius to the time of Vespasian; after which it was totally discontinued, Ibid.

Decius endeavoured to restore the censorship in the person of Valerian, but without effect. The corrupt
morals

morals of Rome at that period could not bear such a magistrate, *Trebell. Pollio in Valer.*

IV. TRIBUNES of the People.

The plebeians being oppressed by the patricians on account of debt, *Liv.* ii. 23, &c. at the instigation of one Sicinius, made a secession to a mountain afterwards called *Mons Sacer*, three miles from Rome, A. U. 260, *Ib.* 32.; nor could they be prevailed on to return, till they obtained from the patricians a remission of debts for those who were insolvent, and liberty to such as had been given up to serve their creditors; and likewise that the plebeians should have proper magistrates of their own to protect their rights, whose persons should be sacred and inviolable, (*sacro sancti*), *Liv.* iii. 55.; *Dionys.* vi. They were called TRIBUNES, according to Varro, *l.* iv. because they were first created from the tribunes of the soldiers.

Two tribunes were at first created, *Cic. pro Corn.* 1. at the assembly by *curia*, who, according to Livy, created three colleagues to themselves, ii. 33. In the year 283, they were first elected at the *Comitia Tributa*, c. 58. and A. U. 297, ten tribunes were created, *Liv.* iii. 30. two out of each class, which number continued ever after.

No patrician could be made tribune, unless first adopted into a plebeian family, as was the case with Clodius the enemy of Cicero, *pro Dom.* 16.; *Suet. Jul.* 20. At one time however we find two patricians of consular dignity elected tribunes, *Liv.* iii. 65.: And no one could be made tribune or plebeian ædile, whose father had borne a curule office, and was alive, *Liv.* xxx. 19. nor whose father was a captive, xxviii. 21.

The tribunes were at first chosen indiscriminately from among the plebeians; but it was ordained by the *Atinian* law, some think A. U. 623, that no one should be made tribune who was not a senator, *Gell.* xiv. 8.; *Suet. Aug.*

Aug. 10. And we read, that when there were not senatorian candidates, Augustus chose them from the *equites*, *Suet. Aug.* 40. But others think, that the Atinian law only ordained, that those who were made tribunes should of course be senators, and did not prescribe any restriction concerning their election. See *Manutius de legg.*

One of the tribunes, chosen by lot, presided at the *comitia* for electing tribunes, *Liv.* iii. 64. After the abdication of the *decemviri*, when there were no tribunes, the *Pontifex Maximus* presided at their election, *c.* 54. If the assembly was broken off (*si comitia dirempta essent*), before the ten tribunes were elected, those who were created might choose (*cooptare*) colleagues for themselves to complete the number, *c.* 65. But a law was immediately passed by one Trebonius to prevent this for the future, which enacted, "That he who presided should continue the *comitia*, and recall the tribes to give their votes, till ten were elected." *Ibid.*

The tribunes always entered on their office the 10th of December, (*ante diem quartum Idus Decembris*), because the first tribunes were elected on that day, *Liv.* xxxix. 52. In the time of Cicero however Asconius says, it was on the 5th (*nonis Decembris*), in *proxim.* *Verr.* 10. But this seems not to have been so; for Cicero himself on that day calls Cato *tribunus designatus*, *pro Sext.* 28.

The tribunes wore no *toga prætecta*, nor had they any external mark of dignity, except a kind of beadle, called *viator*, who went before them. It is thought they were not allowed to use a carriage; *Cic. Phil.* ii. 24.; *Plut. Quest. Rom.* 81. When they administered justice, they had no *tribunal*, but sat on *subsellia* or benches, *Ascon. in Cic.*

The power of the tribunes at first was very limited. It consisted in hindering, not in acting, *Dionys.* vii. and was expressed by the word VETO, *I forbid it.* They had only the right of seizing, but not of summoning; (*prehensionem, sed non vocationem habebant*); *Gell.* xiii. 12.

Their

Their office was only to assist the plebeians against the patricians and magistrates: (*Auxilii, non pœnæ jus datum illi potestati*), *Liv.* ii. 35. vi. 37. Hence they were said, *esse privati, sine imperio, sine magistratu*, ii. 56. not being dignified with the name of magistrates, *Plut. in Coriol. et Quest. Rom.* 81. as they were afterwards, *Liv.* iv. 2.; *Sall. Jug.* 37. They were not even allowed to enter the senate. See p. 15.

But in process of time they increased their influence to such a degree, that, under pretext of defending the rights of the people, they did almost whatever they pleased. They hindered the collection of tribute, *Liv.* v. 12. the enlisting of soldiers, iv. 1. and the creation of magistrates, which they did at one time for five years, *Liv.* vi. 35. They could put a negative (*intercedere*) upon all the decrees of the senate and ordinances of the people, *Cic. pro Mil.* 6.; *Liv.* xlv. 21.; and a single tribune by his VETO could stop the proceedings of all the other magistrates, which Cæsar calls *extremum jus tribunorum*, *de bell. civ. i.* 4.; *Liv.* ii. 44. iv. 6. & 48. vi. 35. Such was the force of this word, that whoever did not obey it, whether magistrate or private person, was immediately ordered to be led to prison by a *viator*, or a day was appointed for his trial before the people, as a violator of the sacred power of the tribunes.

If any one hurt a tribune in word or deed, he was held accursed, (*sacer*), and his goods were confiscated, *Liv.* iii. 55.; *Dionys.* vi. Under the sanction of this law, they carried their power to an extravagant height. They claimed a right to prevent consuls from setting out to their provinces, *Plut. in Crass.* and even to pull victorious generals from their triumphal chariot, *Cic. pro Cal.* 14. They stopped the course of justice by putting off trials, *Cic. Phil.* ii. 2.; *in Vatin.* 14. and hindering the execution of a sentence, *Cic. de prov. cons.* 8.; *Liv.* xxxviii. 60. They sometimes ordered the military tribunes, and even the consuls themselves, to prison, *Liv.* iv. 26. v. 9. *epit.* lv.; *Cic. in Vatin.* 9. & 10. (as the *Ephori* at Lacedæmon did their kings, *Nep. in Paus.* 3.; whom

whom the tribunes at Rome resembled, *Cic. de leg. iii. 7.*). Hence it was said, *Datum sub jugum tribunitie potestatis consulatum fuisse*, *Liv. iv. 26.*

The tribunes usually did not give their negative to a law, till leave had been granted to speak for and against it, *Liv. xlv. 21.*

The only effectual method of resisting the power of the tribunes, was, to procure one or more of their number, (*e collegio tribunorum*), to put a negative on the proceedings of the rest, *Liv. ii. 44. iv. 48. vi. 35.*; but those, who did so, might afterwards be brought to a trial before the people by their colleagues, *Liv. v. 29.*

Sometimes a tribune was prevailed on by entreaties or threats to withdraw his negative, (*intercessione desistere*), or he demanded time to consider it, (*noctem sibi ad deliberandum postulavit; se postero die moram nullam esse facturum*), *Cic. pro Sext. 34.*; *Attic. iv. 2.*; *Fam. viii. 8.*; or the consuls were armed with dictatorial power to oppose him, *Cæs. de bell. civ. i. 4.*; *Cic. Phil. ii. 21. & 22.* We also find the senate exercising a right of limiting the power of the tribunes, which was called **CIRCUMSCRIPTIO**, *Cic. Att. vii. 9.*; *pro Mil. 33.*; *Cæs. de bell. civ. i. 32.* and of removing them from their office, (*a republica removendi, i. e. curiâ et foro interdicendi*), *Cæs. de bell. civ. iii. 21.*; *Suet. Jul. 16.*; as they did likewise other magistrates, *Ibid.*; & *Cic. Phil. xiii. 9.*

The tribuneship was suspended when the *decemviri* were created, *Liv. iii. 32.* but not when a dictator was appointed, *vi. 38.*

The power of the tribunes was confined to the city, and a mile round it; (*neque enim provocationem esse longius ab urbe mille passuum*); *Liv. iii. 20.* unless when they were sent any where by the senate or people; and then they might, in any part of the empire, seize even a proconsul at the head of his army, and bring him to Rome, (*jure sacrosanctæ potestatis.*) *Liv. xxix. 20.*

The tribunes were not allowed to remain all night (*pernoctare*) in the country, nor to be above one whole day out of town, except at the *Ferie Latinæ*; and their

doors

doors were open day and night, that they might be always ready to receive the requests and complaints of the wretched, *Gell.* iii. 2. xiii. 12.; *Macrob. Sat.* i. 3.

The tribunes were addressed by the name TRIBUNI. Those who implored their assistance, (*eos appellabant, vel auxilium implorabant*), said, A VOBIS, TRIBUNI, POSTULO, UT MIHI AUXILIO SITIS. The tribunes answered, AUXILIO ERIMUS, vel NON ERIMUS, *Liv.* iv. 26. xxviii. 45.

When a law was to be passed, or a decree of the senate to be made, after the tribunes had consulted together, (*cum in consilium secessissent*), one of their number declared, (*ex sua collegarumque sententia vel pro collegio pronuntiavit*), SE INTERCEDERE, vel NON INTERCEDERE, aut MORAM FACERE comitiis, delectui, &c. Also, SE NON PASSUROS legem ferri vel abrogari; relationem fieri de, &c. This was called DECRETUM tribunorum, *Liv.* passim.

Sometimes the tribunes sat in judgement, and what they decreed was called their EDICTUM or decretum, *Cic. Verr.* ii. 41. If any one differed from the rest, he likewise pronounced his decree; thus, *Tib. Gracchus ita decrevit*: QUO MINUS EX BONIS L. SCIPIONIS QUOD JUDICATUM SIT, REDIGATUR, SE NON INTERCEDERE PRÆTORI. L. SCIPIONEM NON PASSURUM IN CARERE ET IN VINCULIS ESSE, MITTIQUE EUM SE JUBERE, *Liv.* xxxviii. 60.

The tribunes early assumed the right of holding the comitia by tribes, and of making laws (PLEBISCITA), which bound the whole Roman people, *Liv.* iii. 10. & 55. (See p. 102.) They also exercised the power of holding the senate, A. U. 298. *Dionys.* x.; *Cic. de leg.* iii. 10.; of dismissing it, when assembled by another, *Appian. de bell. civ.* ii.; and of making a motion, although the consuls were present, *Cic. Phil.* vii. 1.; *pro Sext.* 11.

The tribunes often assembled the people merely to make harangues to them, (*concionem advocabant, vel populum ad concionem*); *Gell.* xiii. 14. By the ICILIAN law it was forbidden, under the severest penalties, to in-

interrupt a tribune while speaking, *Dionys.* vii.; *Cic. pro Sext.* 37. and no one was allowed to speak without their permission: Hence *concionem dare*, to grant leave to speak, *Cic. Att.* iv. 2.; *in concionem ascendere*, to mount the rostra, *Ibid.*; *concionem habere*, to make a speech, or to hold an assembly for speaking; and so, *in concionem venire*, *Cic. pro Sext.* 50.: but to hold an assembly for voting about any thing, was, *habere comitia vel AGERE cum populo*, *Gell.* xiii. 15.

The tribunes limited the time of speaking even to the consuls themselves, *Cic. pro Rabir.* 2. and sometimes would not permit them to speak at all. (See p. 118.) They could bring any one before the assembly, (*ad concionem vel in concione producere*), and force them to answer what questions were put to them, *Cic. in Vatini.* 10.; *in Pis.* 6. & 7.; *post red. in Sen.* 6.; *Dio*, 38.

By these harangues the tribunes often inflamed the populace against the nobility, and prevailed on them to pass the most pernicious laws.

The laws which excited the greatest contentions, were about dividing the public lands to the poorer citizens, (*LEGES AGRARIÆ*); *Liv.* ii. 41. iv. 48. vi. 11.; *Cic. in Rull.*; about the distribution of corn at a low price or for nought, (*Leges FRUMENTARIÆ vel annonariæ*); *Liv. epit.* lx. lxxi.; *Cic. ad Heren.* l. 12.; *pro Sext.* 25.; *Ascon. in Cic.*; and about the diminution of interest, (*de levando fœnore*), and the abolition of debts either in whole or in part, (*de novis tabulis*;—*leges FOEBRES.*), *Liv.* vi. 27. & 35. vii. 16. & 42. xxxv. 7.; *Paterc.* ii. 23. (See p. 45.)

But these popular laws were usually joined by the tribunes with others respecting the aggrandisement of themselves and their order, *Liv.* vi. 35. & 39.; and when the latter were granted, the former were often dropped, c. 42. At last, however, after great struggles the tribunes laid open the way for plebeians to all the offices of the state.

The government of Rome was now brought to its just equilibrium. There was no obstruction to merit, and the

the most deserving were promoted. The republic was managed for several ages with quiet and moderation, (*placide modesteque.*). But when wealth and luxury were introduced, and avarice had seized all ranks, especially after the destruction of Carthage, the more wealthy plebeians joined the patricians, and they in conjunction ingrossed all the honours and emoluments of the state. The body of the people were oppressed; and the tribunes, either overawed or gained, did not exert their influence to prevent it; or rather perhaps their interposition was disregarded, *Sall. Jug.* 41.

At last Tiberius and Caius Gracchus, the grandsons of the great Scipio Africanus by his daughter Cornelia, bravely undertook to assert the liberties of the people, and to check the oppression of the nobility. But not being properly supported by the multitude, they fell a sacrifice to the rage of their adversaries, who, with the consul Opimius at their head, slaughtered a great number of the plebeians, *Ibid.* c. 42.

The fate of the Gracchi discouraged others from espousing the cause of the people. In consequence of which the power of the nobles was increased, and the wretched plebeians were more oppressed than ever, *Sall. Jug.* 31.

But in the Jugurthine war, when, by the infamous corruption of the nobility the republic had been basely betrayed, the plebeians, animated by the bold eloquence of the tribune Memmius, regained the ascendancy, *Ibid.* 40, 65, 73, & 84. The contest betwixt the two orders was renewed; but the people being misled and abused by their favourite, the faithless and ambitious Marius, the nobility again prevailed under the conduct of Sylla.

Sylla abridged, and in a manner extinguished the power of the tribunes, by enacting, "That whoever had been tribune, should not afterwards enjoy any other magistracy; that there should be no appeal to the tribunes; that they should not be allowed to assemble the people and make harangues to them, nor to propose laws," *Liv. epit.* 89. but should only retain the right of intercession, *Cic. de bell. civ.* i. 6.; *Cic. de leg.* iii. 9.

But after the death of Sylla the power of the tribunes was restored. In the consulship of Cotta, A. U. 679, they obtained the right of enjoying other offices, *Ascon. in Cic.*; and in the consulship of Pompey and Crassus, A. U. 683, all their former powers, *Sall. Cat. 31.*; *Cic. in Verr. i. 15.*

The tribunes henceforth were employed by the leading men as the tools of their ambition. Backed by a hired mob, (*a conducta plebe stipati*), they determined every thing by force. They made and abrogated laws at pleasure, *Cic. in Pis. 4. pro Sext. 25.* They disposed of the public lands and taxes as they thought proper, and conferred provinces and commands on those who purchased them at the highest price, *Cic. pro Sext. 6, 10, 24, 26, &c. pro Dom. 8. & 20.* The assemblies of the people were converted into scenes of violence and massacre; and the most daring always prevailed, *Cic. pro Sext. 35, &c.*

Julius Cæsar; who had been the principal cause of these excesses, and had made the violation of the power of the tribunes, a pretext for making war on his country, having at last become master of the republic by force of arms, reduced that power, by which he had been raised, to a mere name; and deprived the tribunes of their office (*poteſtate privavit*) at pleasure, *Suet. Jul. 79.*

Augustus got the tribunitian power to be conferred on himself for life by a decree of the senate; the exercise of it by proper magistrates, as formerly, being inconsistent with an absolute monarchy, which that artful usurper established, *Suet. Aug. 27. Tacit. Ann. iii. 56.* This power gave him the right of holding the senate, (*ſee p. 12.*), of assembling the people, and of being appealed to in all cases, *Dio. li.* It also rendered his person sacred and inviolable; so that it became a capital crime (*crimen MAJESTATIS*) to injure him in word or deed; which, under the succeeding emperors, served as a pretext for cutting off numbers of the first men in the state, and proved one of the chief supports of tyranny, (*ADJUMENTA REGNI*), *Tacit. Annal. iii. 38. Suet.*

Suet. Tib. 58. & 61. *Ner.* 32. Hence this among other powers used to be conferred on the Emperors in the beginning of their reign, or upon other solemn occasions; and then they were said to be *Tribunitiâ potestate donati*, Capitol. in M. Anton.—Vopisc. in Tacit.; see p. 24.

The tribunes, however, still continued to be elected, although they retained only the shadow of their former power, (*inanem umbram et sine honore nomen*), *Plin.* i. 23.; *Paneg.* 10. & 95.; *Tacit.* i. 77. xiii. 28. and seem to have remained to the time of Constantine, who abolished this with other ancient offices.

V. Æ D I L E S.

The *Ædiles* were named from their care of the buildings, (*a cura ædium*).

The *Ædiles* were either plebeian or curule.

Two *ÆDILES PLEBEII* were first created, A. U. 260, in the *Comitia Curiata*, at the same time with the tribunes of the commons, to be as it were their assistants, and to determine certain lesser causes, which the tribunes committed to them, *Dionys.* vi. They were afterwards created, as the other inferior magistrates, at the *Comitia Tributa*.

Two *ÆDILES CURULES* were created from the patricians, A. U. 387, to perform certain public games, *Liv.* vi. 42. They were first chosen alternately from the patricians and plebeians, but afterwards promiscuously from both, *Liv.* vii. 1. at the *Comitia Tributa*, *Gell.* vi. 9.

The curule ædiles wore the *toga prætexta*, had the right of images, and a more honourable place of giving their opinion in the senate, *Cic. Verr.* v. 14. They used the *sella curulis* when they administered justice, whence they had their name. Whereas the plebeian ædiles sat on benches, *Ascon. in Cic.*; but they were inviolable, (*SACROSANCTI*), as the tribunes, *Festus. Liv.* iii. 55.

The office of the ædiles was to take care of the city, *Cic. de leg. iii. 3.*; its public buildings, temples, theatres, baths, *basilica*, porticos, aquæducts, common-sewers, public roads, &c. especially when there were no censors: also of private buildings, lest they should become ruinous, and deform the city, or occasion danger to passengers. They likewise took care of provisions, markets, taverns, &c. They inspected those things which were exposed to sale in the *Forum*; and if they were not good, they caused them to be thrown into the Tiber, *Plaut. Rud. ii. 3. v. 42.* They broke unjust weights and measures, *Juv. x. 101.* They limited the expences of funerals, *Cic. Phil. ix. 7.*; *Ovid. Fast. vi.* They restrained the avarice of usurers, *Liv. x. 23.* They fined or banished women of bad character, after being condemned by the senate or people, *Tacit. Ann. ii. 85.*; *Liv. x. 31. xxv. 2.* They took care that no new gods or religious ceremonies were introduced, *Liv. iv. 30.* They punished not only petulant actions, but even words, *Gell. x. 6.*

The ædiles took cognisance of these things, proposed edicts concerning them, *Plaut. Capt. iv. 2. v. 43.* and fined delinquents.

The ædiles had neither the right of summoning nor of seizing, unless by the order of the tribunes; nor did they use lictors or *viatores*, but only public slaves, *Gell. xiii. 12.* They might even be sued at law, (*in jus vocari*), by a private person, *Ibid. 13.*

It belonged to the ædiles, particularly the curule ædiles, to exhibit public solemn games, *Liv. xxiv. 43. xxvii. 6.*; which they sometimes did at a prodigious expence, to pave the way for future preferments, *Cic. Off. ii. 16.* They examined the plays which were to be brought on the stage, and rewarded the actors as they deserved, *Plaut. Trin. iv. 2. v. 148.*

It was peculiarly the office of the plebeian ædiles to keep the decrees of the senate, and the ordinances of the commons, in the temple of Ceres, and afterwards in the treasury, *Liv. iii. 55.*

Julius

Julius Cæsar added two other ædiles, called CEREALES, (*a Cerere*), to inspect the public stores of corn and other provisions, *Suet. Jul. 41.*

The free towns also had their ædiles, *Juv. iii. 179.* where sometimes they were the only magistrates, as at Arpinum, *Cic. Fam. xiii. 11.*

The ædiles seem to have continued, but with some variations, to the time of Constantine.

VI. QUÆSTORS.

The Quæstors were so called, (*a quærendo*), because they got in the public revenues, (*publicas pecunias conquirebant.*), *Varro, de L. L.*

The institution of quæstors seems to have been nearly as ancient as the city itself. They were first appointed by the kings, according to Tacitus, *Annal. xi. 22.* And then by the consuls, to the year 307, when they began to be elected by the people, at the *Comitia Tributa*, *Cic. Fam. vi. 30.* Others say that two quæstors were created by the people from among the patricians, immediately after the expulsion of Tarquin, to take care of the treasury, according to a law passed by Valerius Poplicola, *Plut. in Poplic. Dionys. v.*

In the year 333, besides the two city quæstors, two others were created to attend the consuls in war, (*ut consulibus ad ministeria belli præsto essent*); and from this time the quæstors might be chosen indifferently from the plebeians and patricians, *Liv. iv. 43.* After all Italy was subdued, four more were added, A. U. 498, about the same time that the coining of silver was first introduced at Rome, *Liv. epit. xv.* Sylla encreased their number to 20, (*supplendo senatui, cui judicia tradiderat*), *Tacit. Ann. 22,* and Julius Cæsar to 40, *Dion. xliiii.* Under the Emperors their number was uncertain and arbitrary.

Two quæstors only remained at Rome, and were called QUÆSTORES URBANI; the rest, PROVINCI- ALES or MILITARES.

The

The principal charge of the city quæstors was the care of the treasury, which was kept in the temple of Saturn, *Suet. Claud. 24. Plut. quæst. Rom. 40.* They received and expended the public money, and entered an account of their receipts and disbursements, (*in tabulas accepti et expensi referebant.*) *Ascon. in Cic.* They exacted the fines imposed by the public, *Liv. xxxviii. 60. ; Tac. Ann. xiii. 28.* The money thus raised was called ARGENTUM MULTATITIMUM, *Liv. xxx. 39.*

The quæstors kept the military standards in the treasury, (which were generally of silver, *Plin. xxxiii. 3.* sometimes of gold, for the Romans did not use colours, (*non velis utebantur*), and brought them out to the consuls when going upon an expedition, *Liv. iv. 22. vii. 23.* They entertained foreign ambassadors, provided them with lodgings, and delivered to them the presents of the public, *Valer. Max. v. 1.* They took care of the funerals of those who were buried at the public expence, as Menenius Agrippa, *Dionys. vi. fin. ; Sulpicius, Cic. Phil. ix. 7.* They exercised a certain jurisdiction, especially among their clerks, *Plut. in Cat. Min.*

Commanders returning from war, before they could obtain a triumph, were obliged to swear before the quæstors, that they had written to the senate a true account of the number of the enemy they had slain, and of the citizens that were missing, *Val. Max. ii. 8.*

The provinces of the quæstors were annually distributed to them by lot, *Cic. pro Mur. 8.* after the senate had determined into what provinces quæstors should be sent. Sometimes a certain province was given to a particular quæstor by the senate or people, *Liv. xxx. 33.* But Pompey chose Cassius as his quæstor, and Cæsar chose Antony of themselves, (*sine sorte*), *Cic. Att. vi. 6. ; Cic. Phil. ii. 20.*

The office of the provincial quæstors was to attend the consuls or prætors into their provinces; to take care that provisions and pay were furnished to the army; to keep the money deposited by the soldiers, (*nummos ad signa depositos*), *Suet. Dom. 7. ; Veget. ii. 20. ;* to exact the taxes

es and tribute from the subjects of the empire, *Cic. in Verr. i. 14. & 38.*; to sell the spoils taken in war, *Liv. v. 26. xxvi. 47.*; *Plaut. Bacch. iv. 9. v. 153.*; to return an account of every thing to the treasury; and to exercise the jurisdiction assigned them by their governors, *Cic. Divin. in Cæcil. 17.*; *Suet. Jul. 7.* When the governor left the province, the quæstor usually supplied his place, *Cic. ad Fam. ii. 15. & 18.*

There subsisted the closest connection betwixt a proconsul or proprætor and his quæstor, (*in parentum loco quæstoribus suis erant*), *Cic. pro Planc. ii.*; *Divinat. in Cæcil. 19.*; *ad Fam. xiii. 16. 26.* If a quæstor died, another was appointed by the governor in his room, called PRO-QUÆSTOR, *Cic. in Verr. 36.*

The place in the camp where the quæstor's tent was, and where he kept his stores, was called QUÆSTORIUM, or *Quæstorium forum*, *Liv. x. 32. xli. 2.*; so also the place in the province, where he kept his accounts and transacted business, *Cic. pro Planc. 41.*

The city quæstors had neither lictors nor viatores, because they had not the power of summoning or apprehending, *Gell. xiii. 12.* and might be prosecuted by a private person before the prætor, *Ibid. 13.*; *Suet. Jul. 23.* They could however hold the *Comitia*; and it seems to have been a part of their office to prosecute those guilty of treason, and punish them when condemned, *Dionys. viii.*; *Liv. ii. 41. iii. 24. 25.*

The provincial quæstors were attended by lictors, at least in the absence of the prætor, *Cic. pro Planc. 41.* and by clerks, *Cic. in Verr. iii. 78.*

The quæstorship was the first step of preferment, (*primus gradus honoris*), *Cic. in Verr. i. 4.* which gave one admission into the senate, *Cic.*; see p. 4. It was however sometimes held by those who had been consuls, *Dionys. x.*; *Liv. iii. 25.*

Under the emperors the quæstorship underwent various changes. A distinction was introduced betwixt the treasury of the public (ÆRARIUM) and the treasury of the prince, (FISCUS), *Suet. Aug. 102.*; *Tacit. Annal. vi. 2.*

vi. 2. ; *Plin. Pan.* 36. and different officers were appointed for the management of each.

Augustus took from the quæstors the charge of the treasury, and gave it to the prætors, or those who had been prætors, *Suet. Aug.* 36. ; but Claudius restored it to the quæstors, *Suet. Claud.* 24. Afterwards prefects of the treasury seem to have been appointed, *Plin. epist.* iii. 4. ; *Tacit. Annal.* xiii. 28. & 29.

Those who had borne the quæstorship used to assemble the judges, called *centumviri*, and preside at their courts; but Augustus created ten commissioners for this purpose, *Suet. Aug.* 36. That emperor gave the quæstors the charge of the public records, which the ædiles, and as Dion Cassius says, the tribunes had formerly exercised, *l. liv.* But this too was afterwards transferred to præfects, *Tacit. loc. cit.*

Augustus introduced a new kind of quæstors called **QUÆSTORES CANDIDATI**, or *candidati principis vel Augusti*, *Suet. Aug.* 56. & *Claud.* 40. who used to carry the messages of the emperor (*libellos, epistolas, et orationes*), to the senate. *Suet. Tit.* 6. (See p. 23.) They were called *candidati* because they sued for higher preferments, which by the interest of the emperor they were sure to obtain: hence *Petis tanquam Cæsaris candidatus*, i. e. carelessly, *Quintil.* vi. 3.

Augustus ordained by an edict, that persons might enjoy the quæstorship, and of course be admitted into the senate, at the age of twenty two, *Plin. epist.* x. 83. & 84.

Under the emperors the quæstors exhibited shews of gladiators, which they seem to have done at their own expence, as a requisite for obtaining the office, *Tacit. Ann.* xi. 22. ; *Suet. Domit.* 4.

Constantine instituted a new kind of quæstors, called **QUÆSTORES PALATII**, who were much the same with what we now call *Chancellors*, *Zosim.* v. ; *Procop. de bell. Pers.*

4. Other ORDINARY MAGISTRATES.

There were various other ordinary magistrates; as, TRIUMVIRI CAPITALES, who judged concerning slaves and persons of the lowest rank, *Plaut. Aul. iij. 2. 2.*; and who also had the charge of the prison, *Liv. xxxii. 26.* and of the execution of condemned criminals, *Sall. Cat. 55.*

TRIUMVIRI MONETALES, who had the charge of the mint, (*qui auro, argento, æri, flando, feriundo præerant*, which is often marked in letters, A. A. A. F. F.)

NUMMULARII, *vel pecuniæ spectatores*, saymasters, (*ad quos nummi probandi causâ deferébantur, an probi essent, cujus auri, an subærat, an æqui ponderis, an bonæ fusionis.*).

TRIUMVIRI NOCTURNI, *vel tresviri*, who had the charge of preventing fires, (*incendiis per urbem arcelandis præerant*), *Liv. ix. 46.* and walked round the watches in the night-time, (*vigilias circumibant*), attended by eight lictors, *Plaut. Amphit. i. 1. 3.*

QUATUORVIRI VIALES, *vel viocûri*, (*qui vias curabant*), who had the charge of the streets and public roads.

All these magistrates used to be created by the people at the *Comitia Tributa*.

Some add to the *Magistratus Ordinarii Minores*, the CENTUMVIRI *litibus judicandis*, (*vel flitibus judicandis*, for so it was anciently written), a body of men chosen, three out of every tribe, (so that properly there were 105), for judging such causes as the prætor committed to their decision; and also the DECEMVIRI *litibus judicandis*. But these were generally not reckoned magistrates, but only judges.

New ORDINARY MAGISTRATES under the
EMPERORS.

Augustus instituted several new offices; as, *Curatores operum publicorum, viarum, aquarum, atque Tiberis, sc. repurgandi et laxioris faciendi, frumenti populo dividundi*; persons who had the charge of the public works, of the roads, of bringing water to the city, of cleaning and enlarging the channel of the Tiber, and of distributing corn to the people, *Suet. Aug. 37*. But the chief of these offices were,

1. The Governor of the city, (*PRÆFECTUS URBI, vel urbis*), whose power was very great, and generally continued for several years, *Tacit. Ann. vi. 11*.

A præfect of the city used likewise formerly to be chosen occasionally (*in tempus deligebatur*), in the absence of the kings, and afterwards of the consuls. He was not chosen by the people, but appointed, first by the kings, and afterwards by the consuls, (*a regibus impositi; Postea consules mandabant*, *Tacit. ibid.*) He might however assemble the senate, even although he was not a senator, *Gell. xiv. c. ult.* and also hold the *comitia*, *Liv. i. 59*. But after the creation of the prætor, he used only to be appointed for celebrating the *Feriæ Latinæ* or Latin holy-days.

Augustus instituted this magistracy by the advice of Mæcenas, who himself in the civil wars had been intrusted by Augustus with the charge of the city and of Italy, (*cunctis apud Romam atque Italiam præpositus*), *Tacit. ibid.*; *Hor. Od. iii. 29*. The first præfect of the city was *Messala Corvinus*, only for a few days; after him *Taurus Statilius*, and then *Piso* for twenty years. He was usually chosen from among the principal men in the state, (*ex viris primariis vel consularibus*). His office comprehended many things, which had formerly belonged to the prætor and ædiles. He administered justice betwixt masters and slaves, freedmen and patrons; he

he judged of the crimes of tutors and curators; he checked the frauds of bankers and money-brokers; he had the superintendence of the shambles, (*carnis curam gerebat*), and of the public spectacles; in short, he took care to preserve order and public quiet, and punished all transgressions of it, not only in the city, but within a hundred miles of it, (*intra centesimum ab urbe lapidem*). He had the power of banishing persons both from the city and from Italy, and of transporting them to any island which the emperor named, (*in insulam deportandi*.) *Dio*, lii.; *Ulpian. de off. præf. urb.*

The præfect of the city was as it were the substitute (*vicarius*) of the emperor, and had one under him, who exercised jurisdiction in his absence or by his command.

The præfect of the city seems to have had the same insignia with the prætors.

2. The præfect of the prætorian cohorts, (*PRÆFECTUS PRÆTORIO, vel prætoriiis cohortibus*), or the commander of the emperor's body-guards.

Augustus instituted two of these from the equestrian order, by the advice of Mæcenæ, that they might counteract one another, if one of them attempted any innovation. Their power was at first but small and merely military. But Sejanus, being alone invested by Tiberius with this command, increased its influence, (*vim præfecturæ modicam antea intendit*), by collecting the prætorian cohorts, formerly dispersed through the city, into one camp, *Tacit. Ann.* iv. 2.; *Suet. Tib.* 37.

The præfect of the prætorian bands was under the succeeding emperors made the instrument of their tyranny, and therefore that office was conferred on none but those whom they could entirely trust.

They always attended the emperor to execute his commands: Hence their power became so great, that it was little inferior to that of the emperor himself, (*ut non multum absuerit a principatu; munus proximum vel alterum ab Augusti imperio*, *Viêt. de Cæs.* 9.). Trials and appeals were brought before them; and from their

O

sentence

sentence there was no appeal, unless by way of supplication to the emperor.

The prætorian præfect was appointed to his office by the emperor's delivering to him a sword, *Plin. Paneg.* 67.; *Herod.* iii. 2.; *Dio*, lxxiii.

Sometimes there was but one præfect, and sometimes two. Constantine created four *præfecti prætorio*: But he changed their office very much from its original institution; for he made it civil instead of military, and divided among them the care of the whole empire. To one he gave the command of the east, to another of Illyricum, to a third of Italy and Africa, and to a fourth of Gaul, Spain, and Britain; but he took from them the command of the soldiers, and transferred that to officers, who were called *magistri equitum*.

Under each of these *præfecti prætorio* were several substitutes, (*vicarii*), who had the charge of certain districts, which were called DIOECESSES; and the chief city in each of these, where they held their courts, was called METROPOLIS. Each *diæcesis* might contain several *metropoles*, and each *metropolis* had several cities under it. But Cicero uses DIOECESIS for the part of a province, *ad Attic.* v. 21.; *Fam.* xiii. 53. 67. and calls himself EPISCOPUS, inspector or governor of the Campanian coast, as of a *diæcesis*, *ad Att.* vii. 11.

3. PRÆFECTUS ANNONÆ, vel rei frumentariæ, who had the charge of procuring corn.

A magistrate used to be created for that purpose on extraordinary occasions under the republic: thus L. Minutius, *Liv.* iv. 12. and so afterwards Pompey with greater power, (*omnis potestas rei frumentariæ toto orbe in quinquennium ei data est*). *Cic. Att.* iv. 1. In the time of a great scarcity Augustus himself undertook the charge of providing corn, (*præfecturam annonæ suscepit*), and ordained, that for the future two men of prætorian dignity should be annually elected to discharge that office, *Dio*, liv. and thus it became an ordinary magistracy. But usually there seems to have been but one *præfectus annonæ*. It was at first an office of great dignity,

ty, *Tacit. Ann.* i. 7. xi. 31. *Hist.* iv. 68.; but not so in after times, *Boeth. de Consol. phil.* iii.

4. PRÆFECTUS MILITARIS ÆRARII, a person who had the charge of the public fund, which Augustus instituted for the support of the army, (*ærarium militare cum novis vectigalibus ad tuendos prosequendosque milites*, Suet. Aug. 49.)

5. PRÆFECTUS CLASSIS, admiral of the fleet. Augustus equipped two fleets, which he stationed, (*constituit*), the one at Ravenna on the Hadriatic, and the other at Misena or -um on the Tuscan sea. Each of these had its own proper commander, (*præfectus classis Ravennatis*, Tac. hist. iii. 12. *et præfectus classis Misenatum*, Veget. iv. 32.) There were also ships stationed in other places; as, in the *Pontus Euxinus*, Tacit. hist. ii. 83. near Alexandria, Suet. Aug. 98. on the Rhine, *Flor.* iv. 12. and Danube, *Tacit. Annal.* xii. 30. &c.

6. PRÆFECTUS VIGILUM, the officer who commanded the soldiers who were appointed to watch the city. Of these there were seven cohorts, one for every two wards, (*una cohors binis regionibus*), composed chiefly of manumitted slaves, (*libertino milite*), Suet. Aug. 25. & 30. The *præfectus vigilum* took cognisance of incendiaries, thieves, vagrants, and the like; and if any atrocious case happened, it was remitted to the præfect of the city.

There were various other magistrates in the later ages of the empire, called *Comites*, *Correctores*, *Duces*, *Magistri Officiorum*, *Scriniarum*, &c. who were honoured with various epithets according to their different degrees of dignity; as, *Clarissimi*, *illustres*, *spectabiles*, *egregii*, *perfectissimi*, &c. The highest title was, *nobilissimus* and *gloriosissimus*.

EXTRAORDINARY MAGISTRATES.

1. DICTATOR *and* MASTER of HORSE.

The dictator was so called, either because he was *named* by the consul, (*quod a consule diceretur, cui dicto omnes audientes essent*, Varro de Lat. ling. iv. 14.) or rather from his publishing *edicts* or orders, (*a dictando, quod multa dictaret, i. e. ediceret: et homines pro legibus haberent quæ diceret*, Suet. Jul. 77.) He was also called *magister populi*, Sen. epist. 108, and *prator maximus*, Liv. vii. 3.

This magistracy seems to have been borrowed from the Albans or Latins, Liv. i. 23.; Cic. pro Mil. 10.

It is uncertain who was first created dictator, or in what year. Livy says that T. Lartius was first created dictator, A. U. 253, nine years after the expulsion of the kings.

The first cause of creating a dictator was the fear of a domestic sedition, and of a dangerous war from the Latins. As the authority of the consuls was not sufficiently respected on account of the liberty of appeal from them, it was judged proper, in dangerous conjunctures, to create a single magistrate with absolute power, from whom there should be no appeal, Liv. ii. 29. iii. 20.; Cic. de Leg. iii. 3. and who should not be restrained by the interposition of a colleague.

A dictator was afterwards created also for other causes;

As, 1. For fixing a nail (*clavi figendi vel pangendi causâ*) in the right side of the temple of Jupiter, which is supposed to have been done in those rude ages, (*cum literæ erant raræ*), to mark the number of years. This was commonly done by the ordinary magistrate; but in the time of a pestilence, or of any great public calamity, a dictator was created for that purpose (*quia majus imperium erat*), to avert the divine wrath, Liv. vii. 3. viii. 18.

2. For

2. For holding the comitia, *Liv.* viii. 23. ix. 7. xxv. 2.

3. For the sake of instituting holidays, *Id.* vii. 28.; or of celebrating games when the prætor was indisposed, *Liv.* viii. 40. ix. 34.

4. For holding trials, (*questionibus exercendis*), *Id.* ix. 26.

And, 5. Once for chusing senators, (*qui senatum legeret*), on which occasion there were two dictators, one at Rome, and another commanding an army, which never was the case at any other time, *Liv.* xxiii. 22. &c.

The dictator was not created by the suffrages of the people, as the other magistrates; but one of the consuls, by the order of the senate, named as dictator whatever person of consular dignity he thought proper; and this he did, after having taken the auspices, usually in the dead of the night, (*nocte silentio, ut mos est, dictatorem dixit*), *Liv.* ix. 38. viii. 23. (*post mediam noctem*), Festus in voc. *silentio, sinistrum, et solida sella*.

One of the military tribunes also could name a dictator; about which Livy informs us there was some scruple, iv. 31.

A dictator might be nominated out of Rome, provided it was in the Roman territory, which was limited to Italy.

Sometimes the people gave directions whom the consul should name dictator, *Liv.* xxvii. 5.

Sulla and Cæsar were made dictators at the comitia; an *interrex* presiding at the creation of the former, and the *prætor* at the creation of the latter, *Cic. pro Rull.* iii. 2.; *Cæs. bell. civ.* ii. 19.

In the second Punic war, A. U. 536, after the destruction of the Consul Flaminius and his army at the Thrasimene lake, when the other consul was absent from Rome, and word could not easily be sent to him, the people created Q. Fabius Maximus PRODIGATOR, and M. Minucius Rufus master of horse, *Liv.* xxii. 8. & 31.

The power of the dictator was supreme both in peace and war. He could raise and disband armies; he could determine about the life and fortunes of Roman citizens

without consulting the people or senate. His edict was observed as an oracle, (*pro numine observatum*), *Liv.* viii. 34. At first there was no appeal from him, till a law was passed, that no magistrate should be created without the liberty of appeal, (*sine provocatione*), first by the Consuls Horatius and Valerius, A. U. 304, *Liv.* iii. 55. and afterwards by the Consul M. Valerius, A. U. 453, *Liv.* x. 9.; *Festus in voc.* OPTIMA LEX. But the force of this law with respect to the dictator is doubtful. It was once strongly contested, *Liv.* viii. 33. &c. but never finally decided.

The dictator was attended by twenty-four lictors with the *fusces* and *secures* even in the city, *Liv.* ii. 18. so that Livy justly calls *Imperium dictatorialis, suo ingenio vehemens*, ii. 30.

When a dictator was created, all the other magistrates abdicated their authority, except the tribunes of the commons. The consuls however still continued to act, *Liv.* iv. 27. but in obedience to the dictator, and without any ensigns of authority in his presence, *Liv.* xxii. 11.

The power of the dictator was circumscribed by certain limits.

1. It only continued for the space of six months, (*se-mestris dictatura*), *Liv.* ix. 34. even although the business for which he had been created was not finished, and was never prolonged beyond that time, except in extreme necessity, as in the case of Camillus, *Liv.* vi. 1. For Sulla and Cæsar usurped their perpetual dictatorship, in contempt of the laws of their country.

But the dictator usually resigned his command whenever he had effected the business for which he was created. Thus Q. Cincinnatus and Mamercus Æmilius abdicated the dictatorship on the 16th day, *Liv.* iii. 29. iv. 34. Q. Servilius on the eighth day, *Id.* iv. 47. &c.

2. The dictator could lay out none of the public money, without the authority of the senate or the order of the people.

3. A dictator was not permitted to go out of Italy, which was only once violated, and that on account of the most urgent necessity, in Atilius Calatinus, *Liv. epit. xix.*

4. The dictator was not allowed to ride on horseback, without asking the permission of the people, *Liv. xxiii. 14.* to shew, as it is thought, that the chief strength of the Roman army consisted in the infantry.

But the principal check against a dictator's abuse of power was, that he might be called to an account for his conduct, when he resigned his office, *Liv. vii. 4.*

For 120 years before Sulla, the creation of a dictator was disused, but in dangerous emergencies the consuls were armed with dictatorial power. After the death of Cæsar the dictatorship was for ever abolished from the state by a law of Antony the consul, *Cic. Phil. i. 1.* And when Augustus was urged by the people to accept the dictatorship, he refused it with the strongest marks of aversion, (*genu nixus, dejectâ ab humeris togâ, nudo pectore, deprecatus est*). *Suet. Aug. 52.* Possessed of the power, he wisely declined an odious appellation. For ever since the usurpation of Sulla, the dictatorship was detested on account of the cruelties which that tyrant had exercised under the title of dictator.

When a dictator was created, he immediately nominated (*dixit*) a master of horse, (**MAGISTER EQUITUM**), usually from among those of consular or prætorian dignity, whose proper office was to command the cavalry, and also to execute the orders of the dictator. M. Fabius Buteo, the dictator nominated to chuse the senate, had no master of horse.

Sometimes a master of horse was pitched upon (*datus vel additus est*), for the dictator, by the senate or by the order of the people, *Liv. vii. 12, 24, 28.*

The *magister equitum* might be deprived of his command by the dictator, and another nominated in his room, *Liv. viii. 35.*

The people at one time made the master of horse, Minucius,

nucius, equal in command with the dictator, Fabius Maximus, *Liv.* xxii. 26.

The master of horse is supposed to have had much the same *insignia* with the prætor, six lictors, the *prætecta*, &c. He had the use of a horse, which the dictator had not without the order of the people.

2. The DECEMVIRS.

The laws of Rome at first, as of other ancient nations, were very few and simple, *Tacit. Ann.* iii. 26. It is thought there was for some time no written law, (*nihil scripti juris*). Differences were determined (*lites dirimebantur*) by the pleasure of the kings, (*regum arbitrio*), according to the principles of natural equity, (*ex æquo et bono*), *Senec. epist.* 90. and their decisions were held as laws, *Dionys.* x. 1. The kings used to publish their commands, either by pasting them up in public on a white wall or tablet, (*in album relata proponere in publico*), *Liv.* i. 32. or by a herald, *Id.* 44. Hence they were said *omnia MANU gubernare*, *Pompon.* l. 2. § 3. *D. de orig. jur.* (i. e. *potestate et imperio*, *Tacit. Agric.* 9.).

The kings however in every thing of importance consulted the senate and likewise the people. Hence we read of the LEGES CURIATÆ of Romulus and of the other kings, which were also called LEGES REGIÆ, *Liv.* v. 1.

But the chief legislator was Servius Tullius, (*præcipuus sanctorum legum*), *Tac. Ann.* iii. 26.; all whose laws however were abolished at once (*uno edicta sublata*), by Tarquinius Superbus, *Dionys.* v.

After the expulsion of Tarquin the institutions of the kings were observed, not as written law, but as customs, (*tanquam mores majorum*); and the consuls determined most causes, as the kings had done, according to their pleasure.

But

But justice being thus extremely uncertain, as depending on the will of an individual, (*in unius voluntate positum*, Cic. Fam. ix. 16.), C. Terentius Arsa, a tribune of the commons, proposed to the people, that a body of laws should be drawn up, to which all should be obliged to conform, (*quo omnes uti deberent*). But this was violently opposed by the patricians, in whom the whole judicative power was vested, and to whom the knowledge of the few laws which then existed was confined, Liv. iii. 9.

At last however it was determined, A. U. 299, by a decree of the senate and by the order of the people, that three ambassadors should be sent to Athens to copy the famous laws of Solon, and to examine the institutions, customs, and laws of the other states of Greece, *Id.* 31.

Upon their return, ten men (DECEMVIRI) were created with supreme power, and without the liberty of appeal, to draw up a body of laws, (*legibus scribendis*), all the other magistrates having first abdicated their office.

The *decemviri* at first behaved with great moderation. They administered justice to the people each every tenth day. The twelve fasces were carried before him who was to preside, and his nine colleagues were attended by a single officer called ACCENSUS, Liv. iii. 33. They proposed ten tables of laws, which were ratified by the people at the *Comitia Centuriata*. In composing them, they are said to have used the assistance of one HERMODORUS, an Ephesian exile, who served them as an interpreter, Cic. *Tusc.* v. 36.; Plin. xxxiv. 5.

As two other tables seemed to be wanting, *decemviri* were again created for another year to make them. But these new magistrates acting tyrannically, and wishing to retain their command beyond the legal time, were at last forced to resign, chiefly on account of the base passion of Appius Claudius, one of their number, for Virginia, a virgin of plebeian rank, who was slain by her father to prevent her falling into the Decemvir's hands. The *decemviri* all perished either in prison or in banishment.

But

But the laws of the twelve tables (*LEGES DUODECIM TABULARUM*) continued ever after to be the rule and foundation of public and private right through the Roman world, (*Fons universi publici privati-que juris*, Id. 34. *Finis aequi juris*, Tacit. Ann. iii. 27.). They were engraved on brass, and fixed up in public, (*Leges DECENVIRALES, quibus tabulis duodecim est nomen, in æ incisas in publico proposuerunt: sc. consules*, Liv. iii. 57.); and even in the time of Cicero, the noble youth who meant to apply to the study of jurisprudence, were obliged to get them by heart as a necessary rhyme, (*tanquam carmen necessarium*), Cic. de Leg. ii. 23. not that they were written in verse, as some have thought; for any set form of words, (*verba concepta*), even in prose, was called *CARMEN*, Liv. iii. 64. x. 38. or *carmen compositum*, Cic. pro Muræ. 12.

3. TRIBUNI MILITUM CONSULARI POTE-STATE.

The cause of their institution has already been explained. (See p. 106.) They were so called, because those of the plebeians who had been military tribunes in the army were the most conspicuous. Their office and *insignia* were much the same with those of the consuls.

4. INTERREX.

Concerning the causes of creating this magistrate, &c. See p. 112.

Other EXTRAORDINARY MAGISTRATES of less Note.

There were several extraordinary inferior magistrates; as, *DUUMVIRI perduellionis judicandæ causâ*, Liv. i. 26.
vi. 20.

vi. 20. *Duumviri navales, classis ornandæ reficiendæque causâ*, Id. ix. 30. xl. 18. 26. xli. 1. *Duumviri ad ædem, Junoni moneta faciundam*, Id. vii. 28.

TRIUMVIRI *coloniæ deducendæ*, Liv. iv. 11. vi. 26. viii. 16. ix. 28. xxi. 25. xxxi. 49. xxxii. 29. *Triumviri bini, qui citra et ultra quinquagesimum lapidem in pagis forsisque et conciliabulis omnem copiam ingenuorum inspicerent, et idoneos ad arma ferenda conquirerent, militesque facerent*, Id. xxv. 5. *Triumviri bini; uni sacris conquirendis donisque persignandis; alteri reficiendis ædibus sacris*, Id. xxv. 7. *Triumviri mensarii, facti ob argenti penariam*, Liv. xxiii. 21. xxiv. 18. xxvi. 36.

QUINQUEVIRI *agro Pomptino dividendo*, Liv. vi. 21. *Quinqueviri, ab dispensatione pecuniæ* MENSARII *appellati*, Id. vii. 21. *Quinqueviri muris turribusque reficiendis*, Id. xxv. 7.

DECEMVIRI *agris inter veteranos milites dividendis*, Liv. xxxi. 4.

Several of these were not properly magistrates. They were all however chosen from the most respectable men of the state. Their office may in general be understood from their titles.

PROVINCIAL MAGISTRATES.

The provinces of the Roman people were at first governed by *prætors*, (See p. 131.) but afterwards by *proconsuls* and *proprætors*, to whom were joined *quæstors* and *lieutenants*.

The usual name is PROCONSUL and PROPRÆTOR; but sometimes it is written *pro consule* and *pro prætore* in two words.

Anciently those were called *proconsuls*, to whom the command of consul was prolonged (*imperium prorogatum*) after their office was expired, Liv. viii. 23. & 26. ix. 42. x. 16. or who were invested with *consular* authority, either from a subordinate rank, as *Marcellus*, after being prætor, Id. xxiii. 30. or from a private station, as *Scipio*,

pio, xxvi. 18. xxviii. 38. This was occasioned by some public exigence, when the ordinary magistrates were not sufficient. The same was the case with *proprators*, Cic. Phil. v. 16.; Suet. Aug. 10.; Sall. Cat. 19. The first *proconsul* mentioned by Livy was T. Quinctius, A. U. 290, Liv. iii. 4.

The names of *consul* and *proconsul*, *prator* and *proprator*, are sometimes confounded, Suet. Aug. 3. And we find all the governors of provinces called by the general name of *proconsules*, as of *præsides*, Ibid. 36.

The command of consul was prolonged, and *proconsuls* occasionally appointed by the *Comitia Tributa*, Liv. x. 24. xxix. 13. xxx. 27. except in the case of Scipio, who was sent as *proconsul* into Spain by the *Comitia Centuriata*, xxvi. 18.

But after the empire was extended, and various countries reduced to the form of provinces, magistrates were regularly sent from Rome to govern them, according to the *Sempronian* law, (See p. 119.) without any new appointment of the people. Only military command was conferred on them by the *Comitia Curiata*. (See p. 80.)

At first the provinces were annual, *i. e.* a *proconsul* had the government of a province only for one year; and the same person could not command different provinces. But this was violated in several instances, especially in the case of Julius Cæsar, Suet. Jul. 22. & 24.; Cic. Fam. i. 7. (See p. 12. 120.)

The prætors cast lots for their provinces, (*provincias sortiebantur*), or settled them by agreement (*inter se comparabant*), in the same manner with the consuls, Liv. xxvii. 36. xxxiv. 54. xlv. 16. & 17. But sometimes provinces were determined to both by the senate or people, *Id.* xxxv. 20. xxxvii. 1.

The senate fixed the extent and limits of the provinces, the number of soldiers to be maintained in them, and money to pay them; likewise the retinue of the governors, (*COMITATUS* vel *cohors*), and their travelling charges, (*VIATICUM*). And thus the governors were said *ORNARI*, *i. e.* *instrui*, to be furnished, Cic.

in

in *Rull.* ii. 13. What was assigned them for the sake of household-furniture, was called *VASARIUM*, *Cic. in Pis.* 35.

A certain number of lieutenants was assigned to each *proconsul* and *proprator*, who were appointed usually by the senate, *Cic. Fam.* i. 7. or with the permission of the senate by the *proconsul* himself, *Id.* xiii. 55.; *Nep. Attic.* 6. who was then said, *aliquem sibi legare*, *Id.* vi. 6. or very rarely by an order of the people, *Cic. in Vatin.* 15. The number of lieutenants was different according to the rank of the governor or the extent of the province, *Cic. Phil.* ii. 15. Thus, Cicero in Cilicia had four, Cæsar in Gaul ten, and Pompey in Asia fifteen. The least number seems to have been three.

The office of a *legatus* was very honourable; and men of prætorian and consular dignity did not think it below them to bear it: Thus Scipio Africanus served as *legatus* under his brother Lucius, *Liv.* xxxvii. 1. &c.; *Gell.* iv. 18.

The *legati* were sometimes attended by lictors, *Liv.* xxix. 9. as the senators were when absent from Rome, *jure liberæ legationis*, (See p. 20.) but the person under whom they served might deprive them of that privilege, *Cic. Fam.* xii. 30.

In the retinue of a *proconsul* were comprehended his military officers, and all his public and domestic attendants. Among these were young noblemen, who went with him to learn the art of war, and to see the method of conducting public business; who, on account of their intimacy, were called *CONTUBERNALES*, *Cic. pro Cæl.* 30.; *pro Planc.* 11. From this retinue under the republic women were excluded, but not so under the emperors, *Tacit. Ann.* iii. 33. & 34.; *Suet. Octav.* 34.

A *proconsul* set out to his province with great pomp. Having offered up vows in the capitol, (*votis in capitolio nuncupatis*), dressed in his military robe, (*paludatus*), with twelve lictors going before him, carrying the *fasces* and *secures*, and with the other ensigns of command, he went out of the city with all his retinue. From thence

he either went straightway to the province, or if he was detained by business, by the interposition of the tribunes, or by bad omens, *Plut. in Crass. Cic. Divin. i. 16. ii. 9.* he staid for some time without the city, for he could not be within it while invested with military command. His friends, and sometimes the other citizens out of respect accompanied him (*officii causâ prosequerantur*), for some space out of the city with their good wishes, *Liv. xlii. 49. ; xlv. 59.* When he reached the province, he sent notice of his arrival to his predecessor, that by an interview with him he might know the state of the province; for his command commenced on the day of his arrival, and by the CORNELIAN law the former *proconsul* was obliged to depart within thirty days after, *Cic. Fam. iii. 6.*

A *proconsul* in his province had both judicial authority and military command, (*potestatem vel jurisdictionem et imperium*). He used so to divide the year, that he usually devoted the summer to military affairs, and the winter to the administration of justice, *Cic. Att. v. 14.* He administered justice much in the same way with the prætor at Rome, according to the laws which had been prescribed to the province when first subdued, or according to the regulations which had afterwards been made concerning it by the senate or people at Rome; or finally according to his own edicts, which he published in the province concerning every thing of importance, *Cic. Att. vi. 1.* These, if he borrowed them from others, were called TRANSLATITIA vel *Tralatitia*, v. *-icia*; if not, NOVA. He always published a general edict before he entered on his government, as the prætor did at Rome.

The *proconsul* held assizes or courts of justice, (*forum vel conventus agebat*), in the principal cities of the province, so that he might go round the whole province in a year. He himself judged in all public and important causes, but matters of less consequence he referred to his *quæstor* or lieutenants, *Cic. Flacc. 21. ; in Cæcil. 17. ; Verr.*

Verr. ii. 18.; *Suet. Jul.* 7.; and also to others, *Cic. Att.* v. 21.; *ad Q. frat.* i. 1. 7.

The proconsul summoned these meetings (*conventus indicebat*), by an edict on a certain day, when those who had causes to be determined should attend, *Liv.* xxxi. 29. To this Virgil is thought to allude, *Æn.* v. 758. *Indiciteque forum, &c.*

The provinces were divided into so many districts, called **CONVENTUS** or *circuits*, the inhabitants of which went to a certain city to get their causes determined, and to obtain justice, (*disceptandi et juris obtinendi causâ conveniebant*). Thus Spain was divided into seven circuits, (*in septem conventus*), *Plin.* iii. 3. The Greeks called *conventus agere*, ἀγορεύειν, sc. νῆμας: So in *Act. Apost.* xix. 38. ἀγορεύειν ἀγορεύειν, &c. *conventus aguntur, sunt proconsules; in jus vocent se invicem.* Hence *conventus circumire*, *Suet. Jul.* 7. *percurrere*, *Cæs.* viii. 46. *for urbes circumire, ubi hi conventus agebantur.*

The proconsul chose usually twenty of the most respectable men of the province, who sat with him in council, (*qui ei in consilio aderant, assidebant*), and were called his council, **CONSILIUM**, *Consiliarii*, **ASSESORES**, et *Recuperatores*. Hence *Consilium cogere, in consilium advocare, adhibere; in consilio esse, adesse, assidere, habere; in consilium ire, mittere, dimittere, &c.* The proconsul passed sentence according to the opinion of his council, (*de consilii sententia decrevit, pronunciavit, &c.*)

The proconsul had the disposal (*curatio*) of the corn, of the taxes, and in short of every thing which pertained to the province. Corn given to the proconsul by way of present, was called **HONORARIUM**, *Cic. in Pis.* 35.

If a proconsul behaved well he received the highest honours, *Cic. Att.* v. 21. as, *statues, temples, brazen horses, &c.* which through flattery used indeed to be erected of course to all governors, though ever so corrupt and oppressive.

If a governor did not behave well, he might afterwards be brought to his trial; 1. for extortion, (*RE-*

PETUNDARUM), if he had made unjust exactions; 2. for peculation, (PECULATUS), if he had embezzled the public money; and 3. for what was called *crimen MAJESTATIS*, if he had betrayed his army or province to the enemy, or led the army out of the province, and made war on any prince or state without the order of the people or the decree of the senate.

Various laws were made to secure the just administration of the provinces, but these were feeble restraints against the rapacity of the Roman magistrates. Hence the provinces were miserably oppressed by their exactions. Not only the avarice of the governor was to be gratified, but of all his officers and dependents; as, his *lieutenants, tribunes, præfects, &c.* and even of his freedmen and favourite slaves, *Juv. viii. 87.—130.*

The pretexts for exacting money were various. The towns and villages through which the governors passed, were obliged, by the JULIAN law, to supply them and their retinue with forage and wood for firing, *Cic. Att. v. 16.* The wealthier cities paid large contributions for being exempted from furnishing winter-quarters to the army. Thus the inhabitants of Cyprus alone paid yearly on this account 200 talents, or about 40,000*l.* *Cic. Att. v. 21.*

Anciently a proconsul, when he had gained a victory, used to have golden crowns sent him, not only from the different cities of his own province, but also from the neighbouring states, *Liv. xxxviii. 37. 14.* which were carried before him in his triumph, *Liv. xxxvii. 58. xxxix. 5. 7. 29. xl. 43.* Afterwards the cities of the province, instead of sending crowns, paid money on this account, which was called AURUM CORONARIUM, and was sometimes exacted as a tribute, *Cic. in Pis.*

A proconsul, when the annual term of his government was elapsed, delivered up the province and army to his successor, if he arrived in time, and left the province within thirty days: But first he was obliged to deposit in two of the principal cities of his jurisdiction, an account of the money which had passed through his
own

own or his officers hands, stated and balanced, (*apud duas civitates, quæ maximæ viderentur, rationes confectas et consolidatas deponere*), *Cic. Fam. v. 20.* If his successor did not arrive, he nevertheless departed, leaving his lieutenant, or more frequently his quæstor, to command in the province, *Cic. Fam. ii. 15.; Att. vi. 5. 6.*

When a proconsul returned to Rome, he entered the city as a private person, unless he claimed a triumph; in which case he did not enter the city, but gave an account of his exploits to the senate assembled in the temple of Bellona, or in some other temple without the city, *Liv. xxxviii. 45.* In the mean time he usually waited near the city till the matter was determined, whence he was said *ad urbem esse*, *Sall. Cat. 30.* and retained the title of IMPERATOR, which his soldiers had given him upon his victory, with the badges of command, his *licitors* and *fascies*, &c. When any one had pretensions to a triumph, his *fascies* were always wreathed with laurel, *Cic. Fam. ii. 16.; Att. x. 10.* as the letters were which he sent to the senate concerning his victory, *Cic. in Pis. 17.* Sometimes when the matter was long of being determined, he retired to some distance from Rome, *Cic. Att. vii. 15.*

If he obtained a triumph, a bill was proposed to the people, that he should have military command (*ut ei imperium esset*) on the day of his triumph, *Liv. xlv. 35.; Cic. Att. iv. 16.;* for otherwise no one could have military command within the city.

Then he was obliged by the JULIAN law, within thirty days to give in to the treasury an exact copy of the accounts, which he had left in the province, (*easdem rationes totidem verbis referre ad ærarium*). *Cic. Att. v. 20.* At the same time he recommended those, who deserved public rewards for their services, (*in beneficiis ad ærarium detulit*). *Cic. ibid. et pro Arch. 5.*

What has been said concerning a *proconsul*, took place with respect to a *proprator*; unless that a *proconsul* had twelve licitors, and a *proprator* only six. The army and retinue of the one were likewise commonly greater than those of the other.

PROVINCIAL MAGISTRATES *under the Emperors.*

Augustus made a new partition of the provinces. Those which were peaceable and less exposed to an enemy, he left to the management of the senate and people; but such as were more strong, and open to hostile invasions, and where, of course, it was necessary to support greater armies, he undertook the government of himself, (*regendas ipse suscepit*), *Suet. Aug.* 47. This he did under pretext of easing the senate and people of the trouble, but in reality to increase his own power, by assuming the command of the army entirely to himself.

The provinces under the direction of the senate and people, (*PROVINCIAE SENATORIAE et POPULARES vel Publicae*), at first were *Africa propria*, or the territories of Carthage, *Numidia*, *Cyrene*; *Asia*, (which when put for a province, comprehended only the countries along the *Propontis* and the *Aegean Sea*, namely, *Phrygia*, *Mysia*, *Caria*, *Lydia*, *Cic. pro Flacc.* 27.) *Bithynia* and *Pontus*, *Grecia* and *Epirus*, *Dalmatia*, *Macedonia*, *Sicilia*, *Sardinia*, *Creta*, and *Hispania Bætica*.

The provinces of the emperor (*PROVINCIAE IMPERATORIAE, vel Caesarum*), were, *Hispania Tarraconensis* and *Lusitania*, *Gallia*, *Cælesyria*, *Phœnicia*, *Cilicia*, *Cyprus*, *Ægyptus*, to which others were afterwards added. But the condition of these provinces was often changed; so that they were transferred from the senate and people to the emperor, and the contrary, *Dio*, liii. The provinces of the Emperor seem to have been in a better state than those of the senate and people, *Tacit. Annal.* i. 76.

The magistrates sent to govern the provinces of the senate and people, were called *PROCONSULES*, although sometimes only of prætorian rank. The senate appointed them by lot, (*sortitò mittebant*), out of those who had borne a magistracy in the city at least five years before,

before, *Suet. Aug.* 36.; *Vesp.* 4. They had the same badges of authority as the proconsuls had formerly; but they had only a civil power, (*poteslas vel jurisdictio*), and no military command (*imperium*), nor disposal of the taxes. The taxes were collected, and the soldiers in their provinces commanded by officers appointed by Augustus. Their authority lasted only for one year, and they left the province immediately when a successor was sent.

Those whom the emperor sent to command his provinces were called LEGATI CÆSARIS *pro Consule*, vel *pro Pratore*; *Consulares Legati*, *Suet. Tib.* 41.; *Consulares rectores*, *Suet. Vesp.* 8. or simply *Consulares*, *Suet. Tib.* 32.; *Tacit. hist. ii.* 97. and *Legati*, *Suet. Vesp.* 4. also, *Præsides*, *Præfecti*, *Correctores*, &c.

The governor of Ægypt was usually called PRÆFECTUS, *Suet. Vesp.* 6. or *Præfectus Augustalis*, *Digest.* and was the first imperial legate that was appointed.

There was said to be an ancient prediction concerning Ægypt, that it would recover its liberty when the Roman *fascis* and *prætecta* should come to it, *Cic. Fam.* i. 7.; *Trebell. Poll. in Æmilian.* Augustus artfully converting this to his own purpose, claimed that province to himself, and discharging a senator from going to it without permission, he sent thither a governor of equestrian rank without the usual ensigns of authority, *Tacit. Ann.* ii. 59.; *Suet. Tib.* 52. To him was joined a person to assist in administering justice, called JURIDICUS ALEXANDRINÆ CIVITATIS, *Pandect.*

The first præfect of Ægypt was Cornelius Gallus, celebrated by Virgil in his last eclogue, (*Hunc primum Ægyptus Romanum judicem habuit*, *Ætropol.*) *Suet. Aug.* 66.

The legates of the emperor were chosen from among the senators, but the præfect of Ægypt only from the *Equites*, *Tacit. xii.* 60. They wore a military dress and a sword, and were attended by soldiers instead of lictors. They had much greater powers than the proconsuls,

consuls, and continued in command during the pleasure of the emperor.

In each province, besides the governor, there was an officer called PROCURATOR CÆSARIS, *Tac. Agric. 15.* or *curator*, and in later times *rationalis*, who managed the affairs of the revenue, (*qui res fisci curabat; publicos redditus colligebat et erogabat*), and also had a judicial power in matters that concerned the revenue, *Suet. Claud. 12.*; whence that office was called, *procuratio amplissima*, *Suet. Galb. 15.* These *procuratores* were chosen from among the *Equites*, and sometimes from freedmen. They were sent not only into the provinces of the emperor, but also into those of the senate and people, *Dio, liii.*

Sometimes a *procurator* discharged the office of a governor, (*vice præsidis fungebatur*), especially in a small province, or in a part of a large province, where the governor could not be present; as Pontius Pilate did, who was *procurator* or *præpositus*, (*Suet. Vesp. 4.*) of *Judea*, which was annexed to the province of *Syria*, *Tacit. Annal. xii. 23.* Hence he had the power of punishing capitally, which the *procuratores* commonly did not possess.

PUBLIC SERVANTS of the MAGISTRATES.

The public servants (*ministri*) of the magistrates were called by the common name of APPARITORES, because they were at hand to execute their commands, (*quod iis apparebant, i. e. præsto erant ad obsequium*, *Serv. ad Virg. Æn. xii. 850.*) These were,

I. SCRIBÆ, Notaries or clerks who wrote out the public accounts, the laws, and all the proceedings (*acta*) of the magistrates. Those who exercised that office were said *scriptum facere*, *Liv. ix. 46.*; *Gell. vi. 9.* from *scriptus, -ûs*. They were denominated from the magistrates whom they attended; thus, *Scribæ quaestorii, ædilitii,*

dilitii, pratorii, &c. and were divided into different *decuriæ*; whence *decuriam emere*, for *munus scribæ emere*, *Cic. Verr. iii. 79.* This office was more honourable among the Greeks than the Romans, *Nep. Eum. i.* The *scribæ* at Rome however were generally composed of free-born citizens; and they became so respectable, that their order is called by Cicero *honestus*, (*quod eorum fidei tabulæ publicæ, periculaque magistratuum committuntur*), *Cic. Verr. iii. 79.*

There were also *actuarii* or *notarii*, who took down in short-hand what was said or done, (*notis excipiebant*), *Suet. Jul. 55.* These were different from the *scribæ*, and were commonly slaves. The *scribæ* were also called *librarii*, *Festus.* But *librarii* is usually put for those who transcribed books, *Cic. Att. xii. 6.*; *Suet. Domit. 10.*; for which purpose the wealthy Romans who had a taste for literature, sometimes kept several slaves, *Nep. Att. 13.*

II. PRÆCONES, heralds or public criers, who were employed for various purposes;

1. In all public assemblies they ordered silence, (*silentium indicebant, vel imperabant*: *EXSURGE, PRÆCÔ, FAC POPULO AUDIENTIAM*, *Plaut. pæn. prol. 11.*) by saying *SILETE* vel *TACETE*; and in sacred rites by a solemn form, *FAVETE LINGUIS*, *Horat. Od. iii. 1.* *ORE FAVETE, OMNES*, *Virg. Æn. v. 71.*

2. In the *comitia* they called the tribes and centuries to give their votes; they pronounced the vote of each century; they called out the names of those who were elected, *Cic. Verr. v. 15.* (See p. 95.) When laws were to be passed, they recited them to the people, (p. 93.) In trials they summoned the *judices*, the persons accused, their accusers, and the witnesses.

Sometimes heralds were employed to summon the people to an assembly, *Liv. i. 59. iv. 32.* and the senate to the senate-house, *iii. 38.* See p. 7.

3. In sales by auction, they advertised them, (*auctionem conclamabant vel prædicabant*), *Plaut. Men. fin.*; *Cic. Verr. iii. 16.*; *Off. iii. 13.*; *Horat. de art. poet. 419.*
they

they stood by the spear, and called out what was offered. See p. 55.

4. In the public games; they invited the people to attend them; they ordered slaves and other improper persons to be removed from them, *Cic. de resp.*; *Har.* 12.; *Liv.* ii. 37.; they proclaimed (*prædicabant*) the victors, and crowned them, *Cic. Fam.* v. 12.; they invited the people to see the secular games by a solemn form, *CONVENITE AD LUDOS SPECTANDOS, QUOS NEC SPECTAVIT QUISQUAM, NEC SPECTATURUS EST*, *Suet. Claud.* 21.; *Herodian*, iii. 8.

5. In solemn funerals, at which games sometimes used to be exhibited, *Cic. de legg.* ii. 24.; they invited people to attend by a certain form: *EXSEQUIAS CHREMETI, QUIBUS EST COMMODUM, IRE JAM TEMPUS EST, OLLUS EFFERTUR*, *Ter. Phorm.* v. 8. 38.: Hence these were called *FUNERA INDICTIVA*, *Festus in QUIRITES*; *Suet. Jul.* 84. The *præcones* also used to give public notice when such a person died; thus, *OLLUS QUIRIS LECTO DATUS EST*, *Festus ibid.*

6. In the infliction of capital punishment, they sometimes signified the orders of the magistrate to the lictor, *Liv.* xxvi. 15. *LICTOR, VIRO forti ADDE VIRGAS, ET IN EUM LEGE primum AGE*, *Ibid.* 16.

7. When things were lost or stolen, they searched for them, *Plaut. Merc.* iii. 4. v. 78.; *Petron. Arbit.* c. 57. where an allusion is supposed to be made to the custom abolished by the *Æbutian* law.

The office of a public crier, although not honourable, was profitable, *Juv.* vii. 6. &c. They were generally free-born, and divided into *decuriæ*.

Similar to the *præcones* were those who collected the money bidden for goods at an auction from the purchasers, called *COACTORES*, *Hor. Sat.* i. 6. 86.; *Cic. pro Cluent.* 64. They were servants (*ministri*), of the money-brokers who attended at the auctions: Hence *coactiones argentarias facititare*, to exercise the trade of such a collector, *Suet. Vesp.* 1. They seem also to have been employed by bankers to procure payment from

debtors

debtors of every kind. But the collectors of the public revenues were likewise called COACTORES, *Cic. pro Rab. Post. 11.*

III. LICTORES. The lictors were instituted by Romulus, who borrowed them from the Etruscans. They are commonly supposed to have their name, *Liv. i. 8. (a ligando)*, from their binding the hands and legs of criminals before they were scourged, *Gell. xii. 3.* They carried on their shoulder rods (*virgas ulmeas*, *Plaut. Afin. ii. 2. v. 74. iii. 2. v. 28. vel ex betula, Plin. xvi. 18.*) bound with a thong in the form of a bundle, (*bacillos loro colligatos in modum fascis*), and an ax jutting out in the middle of them. They went before all the greater magistrates, except the censores, one by one in a line, *Liv. xxiv. 44.* He who went foremost, was called PRIMUS LICTOR, *Cic. ad Fratr. i. 1. 7.*; he who went last, or next to the magistrate, was called PROXIMUS LICTOR, *Liv. ibid.*; *Sall. Jug. 12.* or *Postremus*, *Cic. Divin. i. 28. i. e.* the chief lictor, *summus lictor*, who used to receive and execute the commands of the magistrate.

The office of the lictors was,

1. To remove the crowd, (*ut turbam summoverent*), *Liv. iii. 48. viii. 33.*; *Hor. Od. ii. 16.* by saying, CEDITE, CONSUL VENIT; DATE VIAM, vel LOCUM CONSULI; SI VOBIS VIDETUR, DISCEDITE, QUIRITES, *Liv. ii. 56.* or some such words, whence the lictor is called *summotor aditus*, *Liv. xlv. 29.* This sometimes occasioned a good deal of noise and bustle, *Liv. passim.* When the magistrate returned home, a lictor knocked at the door with his rod, (*forem, uti mos est, virgâ percussit.*) *Liv. vi. 34.*

2. To see that proper respect was paid to the magistrates, (ANIMADVERTERE, *ut debitus honos iis redderetur*), *Suet. Jul. 80.* What this respect was Seneca informs us, *Epist. 64.* namely, dismounting from horseback, uncovering the head, going out of the way, also rising up to them, &c. *Suet. Jul. 78.*

3. To

3. To inflict punishment on those who were condemned, which they were ordered to do in various forms; I, LICTOR, COLLIGA MANUS; I, CAPUT OBNUBE HUIUS; ARBORI INFELICI SUSPENDE; VERBERATO VEL INTRA POMÆRIUM VEL EXTRA POMÆRIUM, *Liv. i. 26.*; I, LICTOR, DELIGA AD PALUM, *Id. viii. 7.* ACCEDE, LICTOR, VIRGAS ET SECURES EXPEDI, *Id. viii. 32.* IN EUM LEGE AGE, i. e. *securi percute, vel feri, xxvi. 16.*

The lictors were usually taken from the lowest of the common people, and often were the freedmen of him on whom they attended. They were different from the public slaves, who waited on the magistrates, *Cic. in Verr. i. 26.*

IV. ACCENSI. These seem to have had their name from summoning (ab *acciendo*) the people to an assembly, and those who had law-suits to court, (*in jus*). One of them attended on the consul who had not the fasces, *Suet. Jul. 20.*; *Liv. iii. 33.* Before the invention of clocks, one of them called out to the prætor in court when it was the third hour, or nine o'clock, before noon, when it was mid-day, and the ninth hour, or three o'clock afternoon, *Varr. de Lat. ling. v. 9.*; *Plin. vii. 60.* They were commonly freedmen, but not so anciently, *Cic. ad Fratr. i. 1. 4.* The *Accensi* were also an order of soldiers.

V. VIATORES. These were properly the officers who attended on the tribunes, *Liv. ii. 56.* and ædiles, *xxx. 39.* Anciently they used to summon the senators from the country, where they usually resided; whence they had their name, (*quod sæpe in via essent*), *Cic. de Sen. 16.*; *Calumell. Præf. 1.*; *Festus.*

VI. CARNIFEX, the public executioner or hangman, who executed (*supplicio afficiebat*) slaves, and persons of the lowest rank; for slaves and freedmen were punished in a manner different from free-born citizens, *Tac. Annal. iii. 50.* The *carnifex* was of servile condition, and held in such contempt, that he was not permitted to reside within the city, *Cic. pro Rabir. 5.* but lived without the *Porta Metia* or *Esquilina*, *Plaut. Pseud. i. 3.*

v. 98.

v. 98. near the place destined for the punishment of slaves, (*juxta locum servilibus penis sepositum*), Tac. Annal. xv. 60. ii. 32.) called *Sestertium*, Plut. in Galb. where were erected crosses and gibbets, (*cruces et patibula*, Tac. Annal. xiv. 33.) and where also the bodies of slaves were burnt, *Plaut. Cas. ii. 6. v. 2.* or thrown out unburied, *Hor. Epod. v. 99.*

Some think that the *carnifex* was anciently keeper of the prison under the *triumviri capitales*, who had only the superintendence or care of it: hence *tradere vel trahere ad carnificem*, to imprison, *Plaut. Rud. iii. 6. v. 19.*

L A W S of the R O M A N S.

The Laws of any country are rules established by public authority, and enforced by sanctions, to direct the conduct, and secure the rights of its inhabitants. (*LEX justî in justique regula*, Senec. *de benef. iv. 12.* *LEGES quid aliud sunt, quam minis mixta præcepta?* Id. *epist. 94.*).

The laws of Rome were ordained by the people, upon the application of a magistrate, (*rogante magistratu*). See p. 89. 93.

The great foundation of Roman law or jurisprudence, (*Romani juris*), was that collection of laws called the Law, *Liv. xxxiv. 6.* or laws of the Twelve Tables, compiled by the *decemviri*, and ratified by the people, (See p. 165.); a work, in the opinion of Cicero, superior to all the libraries of philosophers, (*omnibus omnium philosophorum bibliothecis antepponendum.*) *de Orat. i. 44.* Nothing now remains of these laws but scattered fragments.

The unsettled state of the Roman government, the extension of the empire, the increase of riches, and consequently of the number of crimes, with various other circumstances, gave occasion to a great many new laws, (*corruptissimâ republicâ plurimæ leges*, Tacit. Annal. iii. 27.).

At first those ordinances only obtained the name of laws, which were made by the *Comitia Centuriata*, (POPULISCITA), *Tacit. Annal.* iii. 58. but afterwards those also which were made by the *Comitia Tributa*, (PLEBISCITA), when they were made binding on the whole Roman people; first by the *Horatian* law, (*ut quod plebs jussisset, populum teneret*), *Liv.* iii. 55.; and afterwards more precisely by the *Pubilian* and *Hortensian* laws, (*ut plebiscita OMNES QUIRITES tenerent*), *Liv.* viii. 12.; *Epit.* xi.; *Gell.* xv. 27.

The different laws are distinguished by the name (*nomen gentis*) of the persons who proposed them, and by the subject to which they refer.

Any order of the people was called LEX, whether it respected the public (*jus publicum vel sacrum*), the right of private persons (*jus privatum vel civile*), or the particular interest of an individual. But this last was properly called PRIVILEGIUM, *Gell.* x. 20.; *Ascon. in Cic. pro Mil.*

The laws proposed by a consul were called CONSULARES; by a tribune, TRIBUNITIÆ, *Cic. in Rull.* ii. 8.; by the *decemviri*, DECEMVIRALES.

Different Significations of JUS and LEX, and the Different SPECIES of the Roman Law.

The words *Jus* and *Lex* are used in various senses. They are both expressed by the English word LAW.

Jus properly implies what is *just* and right in itself, or what from any cause is binding upon us, *Cic. de Offic.* iii. 21. *Lex* is a written statute or ordinance: (LEX, quæ scripto sancit, quod vult, aut jubendo, aut vetando, *Cic. de legg.* i. 6.; a LEGENDO, quod legi solet, ut innotescat, *Varro, de Lat. ling.*; legere leges propositas jussere, *Liv.* iii. 34. vel a delectu;—Græco nomine appellata, Νόμος a suum cuique tribuendo, *Cic. ibid.*)

Jus is properly what the law ordains, or the obligation which it imposes; (*est enim JUS, quod LEX constituit*,

tuit, That is *law*, or That is binding, which the law ordains, *Cic. de legg. i. 15.*; *ad Herenn. ii. 13.* Or according to the Twelve Tables, QUODCUNQUE POPULUS JUSSIT, ID JUS ESTO, *Liv. vii. 17. ix. 33.*; QUOD MAJOR PARS JUDICARIT, ID JUS RATUMQUE ESTO, *Cic.*

But *jus* and *lex* have a different meaning, according to the words with which they are joined; thus,

Jus NATURÆ vel NATURALE, is what nature or right reason teaches to be right; and *jus GENTIUM*, what all nations esteem to be right: both commonly reckoned the same, *Cic. Sext. 42.*; *Harusp. resp. 14.*

Jus civium vel CIVILE, is what the inhabitants of a particular country esteem to be right, either by nature, custom, or statute, *Cic. Topic. 5.*; *Off. iii. 16. 17.*; *de Orat. i. 48.*: Hence *constituere jus, quo omnes utantur, pro Dom. cui subjecti sint, pro Cæcin.* So *jus Romanum, Anglicum, &c.* When no word is added to restrict it, *JUS CIVILE* is put for the civil law of the Romans. Cicero sometimes opposes *jus civile* to *jus naturale*, *Sext. 42.* and sometimes to what we call *Criminal law*, (*jus publicum*), *Verr. i. 42.*; *Cæcin. 2.*; in *Cæcil. 5.*

Jus COMMUNE, what is held to be right among men in general, or among the inhabitants of any country, *Cic. Cæcin. 4.*; *D. et Inst.*

Jus PUBLICUM et PRIVATUM, what is right with respect to the people (*quasi jus populicum*), or the public at large, and with respect to individuals, *Liv. iii. 34.*; *Cic. Fam. iv. 14.*; *Plin. epist. i. 22.* But *jus publicum* is also put for the right which all the citizens in common enjoyed, (*jus commune*), *Terent. Phorm. ii. 3. v. 64.*

Jus DIVINUM et HUMANUM, what is right with respect to things divine and human, *Liv. i. 18. xxxix. 16.*; *Tacit. Annal. iii. 26. 70. vi. 26.* Hence *fas et jura sinunt*, laws divine and human, *Virg. G. i. 269.*; *Contra jus fasque*, *Sall. Cat. 15.*; *Jus fasque exuere*, *Tacit. hist. iii. 5.*; *Omne jus et fas delere*, *Cic.*; *Quo jure, quave injuria*, right or wrong, *Terent. And. i. 3.*; *Per fas et nefas*, *Liv. vi. 14.*; *Jus et injuria*, *Sall. Jug. 16.*; *Jure fieri*; *jure cæsus*, *Suet. Jul. 76.*

Jus PRÆTORIUM, what the edicts of the prætor ordained to be right, *Cic. de Offic. i. 10.*; *Verr. i. 44.*

Jus HONORARIUM. See p. 128.

Jus FLAVIANUM, ÆLIANUM, &c. the books of law composed by *Flavius*, *Liv. ix. 46.* *Ælius, &c.*; *URBANUM, i. e. CIVILE privatum, ex quo jus dicit prætor urbanus, Verr. Act. i. 1.*

Jus PRÆDIATORIUM. The law observed with respect to the goods (*prædia vel prædia bona, Ascon. in Cic.*) of those who were sureties (*prædes*) for the farmers of the public revenues, or undertakers of the public works, (*mancipes*), which were pledged to the public, (*publico obligata vel pignori opposita*), and sold, if the farmer or undertaker did not perform his bargain, *Cic. pro Balb. 20.*; *Verr. i. 54.*; *Fam. v. 20.*; *Suet. Claud. 9.* Hence *PRÆDIATOR*, a person who laid out his money in purchasing these goods, *Cic. Att. xii. 14. 17.* and who, of course, was well acquainted with what was right or wrong in such matters, (*juris prædiatorii peritus*). *Id. Balb. 20.*

Jus FECIALE, the law of arms or heraldry, *Cic. Off. i. 11.*

Jus LEGITIMUM, the common or ordinary law, the same with *jus civile*, *Cic. pro Dom. 13. 14.*; but *jus legitimum exigere*, to demand one's legal right, or what is legally due, *Fam. viii. 6.*

Jus CONSUETUDINIS, what long use hath established, opposed to *LEGE jus*, or *jus SCRIPTUM*. Statute or written law, *de Invent. ii. 22. 54.* *Jus civile constat aut ex scripto aut sine scripto, l. 6. D. de justit. et jur.*

Jus PONTIFICIUM vel SACRUM, what is right with regard to religion and sacred things, much the same with what was afterwards called ECCLESIASTICAL LAW, *Cic. pro Dom. 12. 13. 14.*; *de legib. ii. 18. &c.*; *Liv. i. 20.* So *JUS religionis, augurum, caeremoniarum, auspiorum, &c.*

Jus BELLICUM vel BELLI, what may be justly done to a state at war with us, and to the conquered, *Cæs. de bell. G. i. 27.*; *Cic. Off. i. 11. iii. 29.*; *Liv. i. 1. v. 27.*

Hence

Hence *Leges silent inter arma*, Cic. in Mil. 4.; *Ferre jus in armis*, Liv. v. 3.; *Facere jus ense*, Lucan. iii. 821. viii. 642. ix. 1073.; *Jusque datum sceleri*, a successful usurpation, by which impunity and a sanction were given to crimes, *Id.* i. 2.

JURIS disciplina, the knowledge of law, Cic. Legg. i. 5.; *intelligentia*, Phil. ix. 5.; *interpretatio*, Off. i. 11.; *STUDIOSI juris*, i. e. *jurisprudentiæ*, Suet. Ner. 32.; Gell. xii. 13.; *Consulti, periti*, &c. Lawyers, Cic.

JURE et legibus, by common and statute law, Cic. Verr. i. 42. 44. So Horace, *Vir bonus est quis* *Qui consulta patrum, qui leges, juraque servat*, &c. Epist. I. xvi. 40 *Jura dabat legesque viris*, Virg. Æn. i. 509.

But *JURA* is often put for laws in general; thus, *No-va jura condere*, Liv. iii. 33.; *JURA inventa metu injusti fateri necesse est*, Horat. Sat. I. iii. 111.; *Art. p.* 122. 398.; *civica jura respondere*, Ep. i. 3. 23.

JUS and *ÆQUITAS* are distinguished, Cic. Off. iii. 16.; Virg. ii. 426.; *jus* and *justitia*; *jus civile* and *leges*, Phil. ix. 5. So *Æquum et bonum* is opposed to *callidum ver-utumque jus*, an artful interpretation of a written law, Cæcin. 23.; *Summum jus*, the rigour of the law, *summa injuria*, Off. i. 11.; *Summo jure agere, contendere*, &c.

JUS vel JURA Quiritium, civium, &c. See p. 45, &c.

JURA sanguinis, cognationis, &c. *necessitudo*, v. *jus necessitudinis*, relationship, Suet. Calig. 26.

JUS regni, a right to the crown, Liv. i. 49.; *Hono-rum*, to preferments, Tacit. xiv. 5.; *Quibus per fraudem jus fuit*, power or authority, Sallust. Jug. 3.; *Jus luxu-riæ publicæ datum est*, a licence, Senec. Epist. 18.; *Quibus fallere ac furari jus erat*, Suet. Ner. 16.; *In jus et ditio-nem vel potestatem alicujus venire, concedere*, Liv. & Sall.; *Habere jus in aliquem*; *sui juris esse ac mancipii*, i. e. *sui arbitrii et nemini parere*, to be one's own master, Cic

JUS dicere vel reddere, to administer justice.

JUS is also put for the place where justice is admini-stered; thus, *IN JUS EAMUS*, i. e. *ad prætoris sellam*, Donat. in Ter. Phorm. i. 7.; *In jure*, i. e. *apud præto-rem*, Eunuch. iv. 7.

LEX is often taken in the same general sense with JUS; thus, *Lex est recta ratio imperandi atque prohibendi, a numine deorum tracta; justorum injustorumque distinctio; æternum quiddam, quod universum mundum regit;—Consensio omnium gentium lex naturæ putanda est; non scripta, sed nata lex;—Salus populi suprema lex esto; fundamentum libertatis, fons æquitatis, &c. de Leg.; Cic. pro Cluent. 53.*

LEGES is put, not only for the ordinances of the Roman people, but for any established regulations; thus, of the free towns, LEGES MUNICIPALES, *Cic. Fam. vi. 18.*; of the allied towns, *Verr. ii. 49. 50.*; of the provinces, *Ibid. 13.*

When LEX is put absolutely, the law of the Twelve Tables is meant; as, *LEGE hæreditas ad gentem Minuciam veniebat, Cic. Verr. i. 45. Ea ad nos redibat LEGE hæreditas, Ter. Hecyr. i. 1.*

LEGES CENSORIÆ, forms of leases or regulations made by the censors, *Cic. Verr. i. 55. iii. 7.*; *Prov. Conf. 5.*; *Rabir. perd. 3.* LEX mancipii vel mancipium, the form and condition of conveying property, *de Orat. i. 39.*; *Cic. Off. iii. 16.*

LEGES venditionis, vel venalium vendendorum, agrum vel domum possidendi, &c. Rules or conditions, *Cic. de Orat. i. 58.*; *Horat. Epist. ii. 2. v. 18.* Hence *Emere, vendere hac vel illa lege, i. e. sub hac conditione vel pacto, Suet. Aug. 21. Ea lege (i. e. ex pacto et conventu) exoratur, Cic. Att. vi. 3. Hac lege atque omine, Ter. And. i. 2. 29. Lex vite, qua nati sumus, Cic. Tusc. 16.*

LEGES historiæ, poematis, versuum, legum, &c. Rules observed in writing, *Cic. de legg. et de Orat.* Thus we say, the laws of history, of poetry, versifying, &c. And in a similar sense, the laws of motion, magnetism, mechanics, &c.

In the *Corpus Juris*, LEX is put for the Christian religion; thus, *Lex Christiana, Catholica, venerabilis, sanctissima, &c.* But we in a similar sense use the word law for the Jewish religion; as the Law and the Gospel; or for the Books of Moses; as, the Law and the Prophets.

JUS ROMANUM, or *Roman law*, was either *written or unwritten law*, (JUS SCRIPTUM aut NON SCRIPTUM). The several species which constituted the *jus scriptum*, were, laws properly so called, the decrees of the senate, the edicts or decisions of magistrates, and the opinions or writings of lawyers. Unwritten law (*jus non scriptum*), comprehended natural equity and custom. Anciently *jus scriptum* only comprehended laws properly so called, *Digest. de orig. jur.* All these are frequently enumerated or alluded to by Cicero, who calls them FONTES ÆQUITATIS, *Topic. 5. &c.; ad Herenn. ii. 13.*

L A W S of the D E C E M V I R I,
or, The XII. T A B L E S.

Various modern authors have endeavoured to collect and arrange the fragments of the Twelve Tables. Of these the most eminent is Godfrey, (*Jac. Gothofredus.*)

According to his account,

The I. Table is supposed to have treated of law-suits; the II. of theft and robberies; III. of loans, and the right of creditors over their debtors; IV. of the right of fathers of families; V. of inheritances and guardianships; VI. of property and possession; VII. of trespasses and damages; VIII. of estates in the country; IX. of the common rights of the people; X. of funerals, and all ceremonies relating to the dead; XI. of the worship of the gods, and of religion; XII. of marriages, and the right of husbands.

Several ancient lawyers are said to have commented on these laws. *Cic. de legg. ii. 23.; Plin. xiv. 13.* but their works are lost.

The fragments of the Twelve Tables have been collected from various authors, many of them from Cicero. The laws are in general very briefly expressed; thus,

SI IN JUS VOCET, ATQUE (i. e. *statim*) EAT.

SI NOX FURTUM FAXIT, (i. e. *noctu fecerit*), SI IM
ALIQUIS

ALIQUIS OCCISIT, (*si eum aliquis occiderit*), JURE CÆSUS ESTO.

SI LUCI FURTUM FAXIT, SI IM ALIQUIS ENDO (*in*) IPSO (*sc. furto*) CAPSIT, (*ceperit*), VERBERATOR, ILLIQUE, CUI FURTUM FACTUM ESCIT (*erit*), ADDICITOR.

SI MEMBRUM RUPSIT (*ruperit*), NI CUM EO PACIT (*paciscetur*), TALIO ESTO.

SI FALSUM TESTIMONIUM DICASSIT (*dixerit*), SAXO DEJICITOR.

PRIVILEGIA NE IRROGANTO: *sc. magistratus*.

DE CAPITIS (*de vita, libertate, et jure*) CIVIS ROMANI, NISI PER MAXIMUM CENTURIATUM (*per Comitia Centuriata*) NE FERUNTO.

QUOD POSTREMUM POPULUS JUSSIT, ID JUS RATUM ESTO.

HOMINEM MORTUUM IN URBE NE SEPELITO, NEVE URITO.

AD DIVOS ADEUNTO CASTE PIETATEM ADHIBENTO: OPES AMOVENTO. QUI SECUS FAXIT, DEUS IPSE VINDEXT ERIT.

FERIIS JURGIA AMOVENTO. EX PATRIIS RITIBUS OPTIMA COLUNTO.

PERJURII PŒNA DIVINA, EXITIUM; HUMANA, DEDECUS.

IMPIUS NE AUDETO PLACARE DONIS IRAM DEORUM.

NEQUIS AGRUM CONSECRATO, AURI, ARGENTI, EBORIS SACRANDI MODUS ESTO.

The most important particulars in the fragments of the Twelve Tables come naturally to be mentioned and explained elsewhere in various places.

After the publication of the Twelve Tables, every one understood what was his right, but did not know the way to obtain it. For this they depended on the assistance of their patrons.

From the Twelve Tables were composed certain rites and forms, which were necessary to be observed in prosecuting law-suits (*quibus inter se homines disceptarent*), called ACTIONES LEGIS. The forms used in making bargains, in transferring property, &c. were called

called ACTUS LEGITIMI. There were also certain days on which a law-suit could be raised, (*quando lege agi posset*), or justice could be lawfully administered, (*dies FASTI*), and others on which that could not be done, (*NEFASTI*); and some on which it could be done for one part of the day, and not for another, (*INTERCISI*). The knowledge of all these things was confined to the patricians, and chiefly to the *Pontifices*, for many years; till one Cn. Flavius, the son of a freedman, the scribe or clerk of Appius Claudius Cæcus, a lawyer, who had arranged in writing these *actiones* and days, stole or copied the book which Appius had composed, and published it, A. U. 440, (*fastos publicavit, et actiones primum edidit*). In return for which favour he was made curule ædile by the people, and afterwards prætor. From him the book was called JUS CIVILE FLAVIANUM, *Liv. ix. 46.*; *Cic. de Orat. i. 41.*; *Muræn. 11.*; *Att. vi. 1. l. 2. § 7. D. de orig. juris.*; *Gell. vi. 9.*; *Valer. Max. ii. 5. 2.*; *Plin. xxxi. 1.*

The patricians, vexed at this, contrived new forms of process; and to prevent their being made public, expressed them in writing by certain secret marks, (*NOTIS*, *Cic. pro Mur. 11.* somewhat like what are now used in writing short-hand), or, as others think, by putting one letter for another, (as Augustus did, *Suet. Aug. 88.*) or one letter for a whole word, (*per SIGLAS*, as it is called by later writers). However these forms also were published by Sex Ælius Catus, (who for his knowledge in the civil law is called by Ennius *egregiè cordatus homo*, a remarkably wise man, *Cic. de Orat. i. 45.*) His book was named JUS ÆLIANUM.

The only thing now left to the patricians was the interpretation of the law; which was long peculiar to that order, and the means of raising several of them to the highest honours in the state.

The origin of lawyers at Rome was derived from the institution of patronage. (See p. 28.) It was one of the offices of a patron, to explain the law to his clients, and manage their law-suits.

TITUS

TITUS CORUNCANIUS, who was the first plebeian *Pontifex Maximus*, A. U. 500, *Liv. epit.* 18. is said to have been the first who gave his advice freely to all the citizens without distinction, l. 2. § 35. & 38. D. *de orig. jur.* whom many afterwards imitated; as, *Manilius*, *Crassus*, *Mucius Scaevola*, *C. Aquilius*, *Gallus*, *Trebatius*, *Sulpicius*, &c.

Those who professed to give advice to all promiscuously, used to walk across the *forum*, (*transverso foro*), and were applied to (*ad eos adibatur*) there, or at their own houses. Such as were celebrated for their knowledge in law, often had their doors beset with clients before day-break, *Horat. Sat.* i. 1. v. 9.; *Epist.* ii. 1. v. 103. for their gate was open to all, (*cunctis janua patebat*, *Tibull.* 4.) and the house of an eminent lawyer was as it were the oracle of the whole city, *Cic. de Orat.* i. 45.: Hence Cicero calls their power REGNUM JUDICIALE, *Att.* i. 1.

The lawyer gave his answers from an elevated seat, (*ex folio, tanquam ex tripode*), *Cic. de legg.* i. 3. The client coming up to him said, LICET CONSULERE? *Cic. pro Mur.* 13. The lawyer answered, CONSULE. Then the matter was proposed, and an answer returned very shortly; thus, QUÆRO AN EXISTIMES? *vel* ID JUS EST NECNE?—SECUNDUM EA, QUÆ PROPONUNTUR, EXISTIMO, PLACET, PUTO, *Horat. Sat.* ii. 3. v. 192. Lawyers gave their opinions either by word of mouth, or in writing; commonly without any reason annexed, *Senec. epist.* 94. but not always.

Sometimes in difficult cases, the lawyers used to meet near the temple of Apollo in the *forum*, *Juv.* i. 128. and after deliberating together, (which was called DISPUTATIO FORI), they pronounced a joint opinion. Hence what was determined by the lawyers, and adopted by custom, was called RECEPTA SENTENTIA, RECEPTUM JUS, RECEPTUS MOS, POST MULTAS VARIATIONES RECEPTUM; and the rules observed in legal transactions by their consent, were called REGULÆ JURIS.

When the laws or the edicts of the prætors seemed defective,

defective, the lawyers supplied what was wanting in both from natural equity; and their opinions in process of time obtained the authority of laws. Hence lawyers were called not only *interpretes*, but also CONDITORES et AUCTORES JURIS, *Digest.* and their opinions, JUS CIVILE, *Cic. pro Cæcin.* 24.; *de offic.* iii. 16. opposed to *leges*, *Cæcin.* 26.

Cicero complains that many excellent institutions had been perverted by the refinements of lawyers, *pro Mur.* 12.

Under the republic any one that pleased might profess to give advice about matters of law; but at first this was only done by persons of the highest rank, and such as were distinguished by their superior knowledge and wisdom. By the *Cincian* law, lawyers were prohibited from taking fees or presents from those who consulted them; which rendered the profession of jurisprudence highly respectable, as being undertaken by men of rank and learning, not from the love of gain, but from a desire of assisting their fellow-citizens, and through their favour of rising to preferments.

Under the emperors lawyers were permitted to take fees (HONORARIUM, *certam justamque mercedem*, *Suet. Ner.* 17.) from their clients; but not above a certain sum, (*capiendis pecuniis posuit modum* (sc. Claudius) *usque ad dena sestertia*, *Tacit. Annal.* xi. 7.) and after the business was done. (*Peractis negotiis permittebat pecunias duntaxat decem millium dare*, *Plin. epist.* v. 21.) Thus the ancient connection betwixt patrons and clients fell into disuse, and every thing was done for hire. Persons of the lowest rank sometimes assumed the profession of lawyers, *Juvenal.* viii. 47.

Lawyers were consulted not only by private persons, but also (*in consilium adhibebantur*) by magistrates and judges, *Cic. Top.* 17.; *Muran.* 13.; *Cæcin.* 24.; *Gell.* xiii. 13. and a certain number of them attended every proconsul and proprætor to his province.

Augustus granted the liberty of answering in questions of law only to particular persons, and restricted the

the judges not to deviate from their opinion, *l. 2. § ult. D. de orig. jur.* that thus he might bend the laws, and make them subservient to despotism. His successors (except Caligula, *Suet. 34.*) imitated this example; till Adrian restored to lawyers their former liberty, *Dig. ibid.* which they are supposed to have retained to the time of Severus. What alterations after that took place, is not sufficiently ascertained.

Of the lawyers who flourished under the emperors, the most remarkable were M. ANTISTHIUS LABEO, (*in corruptæ libertatis vir*, Tacit. *Annal. iii. 75.*; Gell. *xiii. 12.*) and C. ATEIUS CAPITO (*cujus obsequium dominantibus magis probabatur*, Tacit. *ibid.*) under Augustus; and these two, from their different characters and opinions, gave rise to various sects of lawyers after them: SALVIUS JULIANUS, under Hadrian; POMPONIUS, under Julian; CAIUS, under the Antonines; PAPINIANUS, under Severus; ULPIANUS and PAULUS, under Alexander Severus; HERMOGENIANUS, under Constantine, &c.

Under the republic, young men who intended to devote themselves to the study of jurisprudence, after finishing the usual studies of grammar, Grecian literature, and philosophy, (*Cic. in Brut. 80.*; *Off. i. 1.*; *Suet. de clar. Rhet. 1. & 2.*) usually attached themselves to some eminent lawyer, as Cicero did to Q. Mucius Scævola, *Cic. de Amic. 1.* whom they always attended, that they might derive knowledge from his experience and conversation. For these illustrious men did not open schools for teaching law, as lawyers afterwards did under the emperors, whose scholars were called AUDITORES.

The writings of several of these lawyers came to be as much respected in courts of justice (*usu fori*), as the laws themselves, *l. 2. § 38. D. de orig. juris.* But this happened only by tacit consent. Those laws only had a binding force, which were solemnly enacted by the Roman people. Of these the following are the chief.

LAWS

L A W S of the R O M A N S made at different times.

Lex ACILIA, 1. About transplanting colonies, (*de coloniis deducendis*); by the tribune C. Acilius, A. U. 556, *Liv. xxxiii. 29.*

2. About extortion (*de repetundis*), by Manius Acilius Glabrio, a tribune, (some say consul), A. U. 683, That in trials for this crime, sentence should be passed, after the cause was once pled, (*semel dictâ causâ*), and that there should not be a second hearing, (*ne reus comperendinaretur*), *Cic. proæm. in Verr. 17. i. 9.*; *Ascon. in Cic.*

Lex ÆBUTIA, by the tribune Æbutius, prohibiting the proposer of a law concerning any charge or power, from conferring that charge or power on himself, his colleagues, or relations, *Cic. in Rull. ii. 8.*

Another concerning the *Judices* called *Centumviri*, which is said to have diminished the obligation of the Twelve Tables, and to have abolished various customs which they ordained, *Gell. xvi. 10. xi. 18.* especially that curious custom borrowed from the Athenians, (*Aristoph. in nub. v. 498.*; *Plato, de legg. xii.*) of searching for stolen goods without any cloaths on but a girdle round the waist, and a mask on the face, (*FURTORUM QUÆSTIO CUM LANCE ET LICIO*), *Gell. ibid.*; *Festus in LANCE.* When the goods were found, it was called *FURTUM CONCEPTUM*, *Inst. ii. 10. 3.*

Lex ÆLIA et FUSIA de Comitibus,—two separate laws, although sometimes joined by Cicero.—The first by Q. Ælius Pætus, consul A. U. 586, ordained, that when the *comitia* were held for passing laws, the magistrates, or the augurs by their authority, might make observations from the heavens, (*de cælo servarent*); and if the omens were unfavourable, the magistrate might prevent or dissolve the assembly, (*comitiis obnuntiaret*), and that magistrates of equal authority with the person who held the assembly, or a tribune, might give their

R

negative

negative to any law, (*legi intercederent*): *Cic. pro Sext.* 15. 53.; *post red. in Sen.* 5.; *de prov. Cons.* 19.; *in Vatin.* 9.; *Pis.* 4.; *Att.* ii. 9.—The second, *Lex FUSIA* or *Fusia*, by P. Furius, consul A. U. 617, or by one Fufius, a tribune, That it should not be lawful to enact laws on all the *dies fasti*, *Cic. ibid.* See p. 92.

Lex ÆLIA SENTIA, by the Consuls Ælius and Sentius, A. 756, about the manumission of slaves, and the condition of those who were made free, *Suet. Aug.* 40. See p. 39.

Lex ÆMILIA, about the censors. See p. 133.

Lex ÆMILIA Sumptuaria vel Cibaria, by M. Æmilius Lepidus, consul A. 675, limiting the kind and quantity of meats to be used at an entertainment, *Macrob. Sat.* ii. 13.; *Gell.* ii. 24. Pliny ascribes this law to Marcus Scaurus, viii. 57. So *Aurel. Vict. de vir. illustr.* 72.

Leges AGRARIÆ; *Cassia*, *Licina*, *Flaminia*, *Sempronia*, *Thoria*, *Cornelia*, *Servilia*, *Flavia*, *Julia*, *Mamilia*.

Leges de AMBITU; *Fabia*, *Calpurnia*, *Tullia*, *Aufidia*, *Licina*, *Pompeia*.

Leges ANNALES vel Annariae. See p. 110.

Lex ANTIA Sumptuaria, by Antius Restio, the year uncertain; limiting the expence of entertainments, and ordaining that no actual magistrate, or magistrate elect, should go any where to sup but with particular persons, *Gell.* ii. 24. Antius seeing his wholesome regulations insufficient to check the luxury of the times, never after supped abroad, that he might not witness the violation of his own law, *Macrob.* ii. 13.

Leges ANTONIÆ, proposed by Antony after the death of Cæsar, about abolishing the office of dictator, confirming the acts of Cæsar, (*ACTA CÆSARIS*,) planting colonies, giving away kingdoms and provinces, granting leagues and immunities, admitting officers in the army among jurymen, allowing those condemned for violence and crimes against the state to appeal to the people, which Cicero calls the destruction of all laws, &c.

&c. *Cic. Phil.* i. 1. 9. ii. 3, 36, 37, 38. v. 34. xiii. 3.; *Att.* xiv. 12.; *Dio Cass.* xlv.; *Appian. de bell. civ.* iii. transferring the right of choosing priests from the people to the different colleges, *Dio*, 37. &c.

Leges APPULEIÆ, proposed by L. Appuleius Saturninus, A. 653, tribune of the commons; about dividing the public lands among the veteran soldiers, *Aurel. Vict. de vir. illust.* 73.; settling colonies, *Cic. pro Balb.* 21.; punishing crimes against the state, (*de majestate*), *Cic. de Orat.* ii. 25. 49.; furnishing corn to the poor people at $\frac{1}{8}$ of an *ass* a bushel, (*semisse et triente*, i. e. *dextante vel decusse*: See *Leges Sempronie*), *Cic. ad Herenn.* i. 12.; *de leg.* ii. 6.

Saturninus got it also enacted, that all the senators should be obliged, within five days, to approve upon oath of what the people enacted under the penalty of a heavy fine; and the virtuous Metellus Numidicus was banished, because he alone would not comply, (*quod in legem vi latam jurare nollet*), *Cic. pro Sext.* 16.; *Dom.* 31.; *Cluent.* 35. But Saturninus himself was soon after slain for passing these laws, by the command of Marius, who had at first encouraged him to propose them, *Cic. pro Rabir. perd.* iii. 11. and who by his artifice had effected the banishment of Metellus, *Plut. in Mar.*; *Appian. de bell. civ.* i.

Lex AQUILLIA, A. 672, about hurt wrongfully done, (*de damno injuriâ dato*), *Cic. in Bruto*, 34.—Another, A. 687, (*de dolo malo*), *Cic. de nat. deor.* iii. 30.; *Off.* iii. 14.

Lex ATERIA TARPEIA, A. U. 300, that all magistrates might fine those who violated their authority, but not above two oxen and thirty sheep, *Dionys.* x. After the Romans began to use coined money, an ox was estimated at 100 *asses*, and a sheep at ten, *Festus in PECULATUS*.

Lex ATIA, by a tribune, A. 690, repealing the *Cornelian* law, and restoring the *Domitian*, in the election of priests, *Dio*, 37.

Lex ATILIA de dedititiis, A. 543, *Liv.* xxvi. 33.— Another *de tutoribus*, A. 443, That guardians should be appointed for orphans and women, by the prætor and a majority of the tribunes, *Ulpian. in Fragm.*; *Liv.* xxxix. 9. See p. 63.

— Another, A. 443, That sixteen military tribunes should be created by the people for four legions; that is, two thirds of the whole. For in four legions, the number which then used annually to be raised, there were twenty-four tribunes, six in each; of whom by this law four were appointed by the people, and two by the consuls. Those chosen by the people were called COMITIATI; by the consuls, RUTILI or RUFULI. At first they seem to have been all nominated by the kings, consuls, or dictators, till the year 393, when the people assumed the right of annually appointing six, *Liv.* vii. 5. ix. 30.; *Ascon. in Cic.* Afterwards the manner of choosing them varied. Sometimes the people created the whole, sometimes only a part. But as they, through interest, often appointed improper persons; the choice was sometimes left, especially in dangerous junctures, entirely to the consuls, *Liv.* xlii. 31. xliii. 12. xliv. 21.

Lex ATINIA, A. 623, about making the tribunes of the commons senators, *Gell.* xiv. 8.— Another, That the property of stolen things could not be acquired by possession, (*usucapione*); the words of the law were, QUOD SURREPTUM ERIT, EJUS ÆTERNA AUCTORITAS ESTO. (See p. 54.) *Gell.* xvii. 7.; *Cic. in Verr.* i. 42.

Lex AUFIDIA de Ambitu, A. 692. It contained this singular clause, That if a candidate promised money to a tribe, and did not pay it, he should be excused; but if he did pay it, he should be obliged to pay to every tribe a yearly fine of 3000 *sestertii* as long as he lived, *Cic. Att.* i. 16.

Lex AURELIA judiciaria, by L. Aurelius Cotta, prætor, A. 683, That *judices* or jurymen should be chosen from the senators, *Equites*, and *Tribuni Ærarii*. The last were officers chosen from the plebeians, who kept and gave out the money for defraying the expences of the

the army, *Ascon. in Cic.*; *Cic. pro Planc.* 8.; *Att.* i. 16.; *Festus*.

Another, by C. Aurelius Cotta, consul, A. 678, That those who had been tribunes might enjoy other offices, which had been prohibited by Sulla, *Ascon. in Cic.*

Lex BÆBIA, A. 574, about the number of prætors, (See p. 131.) — Another against bribery, A. 571, *Liv.* xl. 19.

Lex CÆCILIA DIDIA, or *et Didia*, or *Didia et Cæcilia*, A. 655, That laws should be promulgated for three market-days, and that several distinct things should not be included in the same law, which was called *ferre per saturam*, *Cic. Att.* ii. 9.; *Phil.* v. 3.; *pro Dom.* 20.

— Another against bribery, *Cic. pro Sull.* 22. 23.

— Another, A. 693, about exempting Italy from taxes, *Dio*, xxxvii.

Lex CALPURNIA, A. 604, against extortion, by which law the first *questio perpetua* was established, *Cic. Verr.* iv. 25.; *Off.* ii. 21.

— Another, called also *Acilia*, concerning bribery, A. 686, *Cic. pro Mur.* 23.; *Brut.* 27.; *Sall. Cat.* 18.

Lex CASSIA, That those whom the people condemned should be excluded from the senate, *Ascon. in Cic. pro Corn.* Another about supplying the senate, *Tacit.* xi. 25. Another, That the people should vote by ballot, &c. See p. 95.

Lex CASSIA TERENTIA Frumentaria, by the Consuls C. Cassius and M. Terentius, A. 680, ordaining, as it is thought, that five bushels of corn should be given monthly to each of the poorer citizens, which was not more than the allowance of slaves, *Sall. hist. fragm.* (p. 974. *ed. Cortii*), and that money should be annually advanced from the treasury for purchasing 800,000 bushels of wheat (*TRITICI IMPERATI*), at four *sestertii* a bushel; and a second tenth part (*alteras decumas*), (See p. 73.) at three *sestertii* a bushel, (*pro DECUMANO*), *Cic. Verr.* iii. 70.

This corn was given to the poor people, by the *Sempronian* law, at a *semis* and *triens* a bushel; and by the *Clodian* law, *gratis*. In the time of Augustus, we read that 200,000 received corn from the public, *Dio*, lv.; *Suet. Aug.* 40. 42. Julius Cæsar reduced them from 320,000 to 150,000, *Suet. Jul.* 41.

Lex CENTURIATA, the name of every ordinance made by the *Comitia Centuriata*, *Cic. in Rull.* ii. 11.

Lex CINCIA de donis et muneribus, hence called *MUNERALIS*, *Plaut.* by Cincius a tribune, A. 549, That no one should take money or a present for pleading a cause, *Cic. de Senect.* 4.; *de Orat.* ii. 7.; *Att.* i. 20.; *Tacit. Ann.* xi. 5.; *Liv.* xxxiv. 4.

Lex CLAUDIA de navibus, A. 535, That a senator should not have a vessel above a certain burden, (See p. 5.) A clause is supposed to have been added to this law, prohibiting the quæstor's clerks from trading, *Suet. Dom.* 9.

Another by Claudius the consul, at the request of the Allies, A. 573, That the allies, and those of the Latin name, should leave Rome, and return to their own cities. According to this law the consul made an edict; and a decree of the senate was added, That for the future no person should be manumitted, unless both master and slave swore, that he was not manumitted for the sake of changing his city. For the allies used to give their children as slaves to any Roman citizen on condition of their being manumitted, (*ut libertini cives essent*), *Liv.* xli. 8. & 9.; *Cic. pro Balb.* 23.

— by the Emperor Claudius, That usurers should not lend money to minors, to be paid after the death of their parents, *Tacit. Ann.* xi. 13. enforced by Vespasian, *Suet.* 11. To this crime Horace alludes, *Sat.* i. 2. v. 14.

— by the consul Marcellus, 703, That no one should be allowed to stand candidate for an office while absent; thus, taking from Cæsar the privilege granted him by the *Pompeian* law; (*Cæsari privilegium eripiens, vel beneficium populi adimens*); also, That the freedom of
the

the city should be taken from the colony of *Novumcö-mum*, which Cæsar had planted, *Suet. Jul. 28. ; Cic. Fam. xiii. 35.*

Leges CLODIÆ, by the tribune P. Clodius, A. 695,

— 1. That the corn which had been distributed to the people for six *asses* and a *triens* the bushel, should be given *gratis*, *Cic. pro Sext. 25. ; Ascon. in Cic.*

— 2. That the censors should not expel from the senate, or inflict any mark of infamy, on any man who was not first openly accused and condemned by their joint sentence, *Cic. ibid. ; in Pis. 5.*

— 3. That no one should take the auspices, or observe the heavens, when the people were assembled on public business ; and in short, that the *Ælian* and *Fusian* laws should be abrogated. See p. 92.

— 4. That the old companies or fraternities (*collegia*) of artificers in the city, which the senate had abolished, should be restored, and new ones instituted, *Cic. in Pis. 4. ; Suet. Jul. 42.*

These laws were intended to pave the way for the following :

— 5. That whoever had taken the life of a citizen uncondemned and without a trial, should be prohibited from fire and water ; by which law, Cicero, although not named, was plainly pointed at ; and soon after, by means of a hired mob, his banishment was expressly decreed by a second law, *Cic. pro Dom. 18, 19, 20. ; post red. in Sen. 2, 5, &c.*

— 6. That the kingdom of Cyprus should be taken from Ptolemy, and reduced into the form of a province, *Cic. pro Dom. 8. ;* the reason of which law was, to punish that king for having refused Clodius money to pay his ransom, when taken by the pirates, and to remove Cato out of the way, by appointing him to execute this order of the people, that he might not thwart the unjust proceedings of the tribune, nor the views of the *triumviri* by whom Clodius was supported, *Cic. pro Sext. 18. 28. ; Dom. 25. ; Dio, xxxviii.*

— 7.

— 7. To reward the consuls Piso and Gabinus, who had favoured Clodius in his measures, the province of Macedonia and Greece was by the people given to the former, and Syria to the latter, *Cic. ibid.* 10. 24.; *in Pis.* 16.

— 8. Another law was made by Clodius, to give relief to the private members of corporate towns (*municipiorum*), against the public injuries of their communities, *Cic. pro Dom.* 30.

— Another, to deprive the priest of Cybele at Pessinus in Phrygia of his office, *Cic. Sext.* 26.; *de resp. Harusp.* 13.

Lex COELIA tabellaria perduellionis, by Cœlius a tribune. See p. 9.

Leges CORNELIÆ, enacted by L. Cornelius Sylla, the dictator, A. 672.

— 1. *De proscriptione et proscriptis*, against his enemies, and in favour of his friends. Sylla first introduced the method of proscription. Upon his return into the city, after having conquered the party of Marius, he wrote down the names of those whom he doomed to die, and ordered them to be fixed up on tables in the public places of the city, with the promise of a certain reward (*duo talenta*) for the head of each person so proscribed. New lists (*tabulae proscriptionis*), were repeatedly exposed, as new victims occurred to his memory, or were suggested to him. Incredible numbers were massacred, not only at Rome, but through all Italy. Whoever harboured or assisted a proscribed person was put to death, *Cic. in Verr.* i. 47. The goods of the proscribed were confiscated, *Cic. pro Rosc. Amer.* 43. 44.; *in Rull.* iii. 3. and their children declared incapable of honours, *Vell. Pat.* ii. 28.; *Cic. in Pis.* 2. The lands and fortunes of the slain were divided among the friends of Sylla, *Sall. Cat.* 51. who were allowed to enjoy preferments before the legal time, *Cic. Acad.* ii. 1.

De MUNICIPIIS, That the free towns which had sided with Marius, should be deprived of their lands, and the right of citizens; the last of which Cicero says could

could not be done, (*Quia jure Romano civitas nemini invito adimi poterat*), *pro Dom.* 30.; *Cecin.* 33.

Sylla being created dictator with extraordinary powers by L. Valerius Flaccus, the *Interrex*, in an assembly of the people by centuries, and having there got ratified whatever he had done or should do, by a special law, (*sive VALERIA, sive CORNELIA, Cic. pro Rosc. Am.* 43.) *Cic. in Rull.* iii. 2. next proceeded to regulate the state, and for that purpose made many good laws.

2. Concerning the republic; the magistrates, (See p. 110.) the provinces, (See p. 168.) the power of the tribunes, (See p. 147.) That the *judices* should be chosen only from among the senators: That the priests should be elected by their respective colleges, *Ascon. in Cic.*

3. Concerning various crimes; *de MAJESTATE, Cic. in Pis.* 21.; *pro Cluent.* 35.; *ad Fam.* iii. 11. (See p. 171.) *de REPETUNDIS, Cic. pro Rabir.* 4. (See p. 132.) *de SICARIIS et VENEFICIS*, those who killed a person with weapons or poison; also, who took away the life of another by false accusation, &c. One accused by this law, was asked whether he chose sentence to be passed on him by voice or by ballot? (*palam, an clam?*) *Cic. pro Cluent.* 20.; *de INCENDIARIIS*, who fired houses; *PARRICIDIS*, who killed a parent or relation; *de FALSO*, against those who forged testaments or any other deed, who debased or counterfeited the public coin, (*qui in aurum vitii quid addiderint vel adulterinos nummos fecerint*), &c. Hence this law is called by Cicero, *CORNELIA TESTAMENTARIA, NUMMARIA, in Verr.* i. 42.

The punishment annexed to these laws was generally *aquæ et ignis interdictio*, or banishment.

Sulla also made a sumptuary law, limiting the expence of entertainments, *Gell.* ii. 24.; *Macrob. Sat.* ii.

13.

There were other *leges CORNELIÆ*, proposed by Cornelius the tribune, A. 686, That the prætors in judging should not vary from their edicts: (See p. 127.)

That

That the senate should not decree about absolving any one from the obligation of the laws, without a quorum of at least 200, *Ascon. in Cic. pro Cornel.*

Lex CURIA, by Curius Dentatus when tribune, A. 454, That the senate should authorise the *comitia* for electing plebeian magistrates, *Aur. Vict.* 33.; *Cic. de clar. orat.* 14.

Leges CURIATÆ, made by the people assembled by *curiæ*. See p. 79.

Lex DECIA, A. 442, That *Duumviri navales* should be created for equipping and refitting a fleet, *Liv.* ix. 30.

Lex DIDIA sumptuaria, A. 610, limiting the expence of entertainments, and the number of guests: That the sumptuary laws should be extended to all the Italians; and not only the master of the feast, but also the guests, should incur a penalty for their offence, *Macrob. Sat.* ii. 13.

Lex DOMITIA de sacerdotiis, the author Cn. Domitius Ahenobarbus, a tribune, A. 650, That priests (i. e. the *pontifices*, *augures*, and *decemviri sacris faciendis*), should not be chosen by the colleges, as formerly, but by the people. (See p. 102.) The *Pontifex Maximus* and *Curio Maximus* were always chosen by the people, *Liv.* xxv. 5. xxvii. 8.

Lex DUILIA, by Duilius a tribune, A. 304, That whoever left the people without tribunes, or created a magistrate from whom there was no appeal, should be scourged and beheaded, *Liv.* iii. 55.

Lex DUILIA MÆNIA de unciario fœnore, A. 396, fixing the interest of money at one per cent. *Liv.* vii. 16. — Another, making it capital for one to call assemblies of the people at a distance from the city, *Ibid.*

Lex FABIA de plagio vel plagiariis, against kidnapping, or stealing away and retaining freemen or slaves, *Cic. pro Rabir. perd.* 3.; *ad Quinct.* Fr. i. 2. The punishment at first was a fine, but afterwards, to be sent to the mines; and for buying or selling a free-born citizen, death.

— An-

— Another, limiting the number of *Sectatores* that attended candidates, when canvassing for any office. It was proposed, but did not pass, *Cic. pro Muren.* 34.

The *SECTATORES*, who always attended candidates, were distinguished from the *SALUTATORES*, who only waited on them at their houses in the morning, and then went away; and from the *DEDUCTORES*, who also went down with them to the *Forum* and *Campus Martius*; hence called by Martial *ANTEAMBULONES*, ii. 18.; *Cic. de pet. conf.* See p. 88.

Lex FALCIDIA testamentaria, A. 713, That the testator should leave at least the fourth part of his fortune to the person whom he named his heir, *Paul. ad leg. Falcid.*; *Dio*, 48.

Lex FANNIA, A. 588, limiting the expences of one day at festivals to 100 *asses*, whence the law is called by Lucilius, *CENTUSSIS*; on ten other days every month, to thirty; and on all other days, to ten *asses*: also, that no other fowl should be served up, (*ne quid volucrum poneretur*), except one hen, and that not fattened for the purpose, (*quæ non altilis esset*), *Gell.* ii. 24.; *Macrob. Sat.* ii. 13.

Lex FLAMINIA, A. 521, about dividing among the foldiers the lands of *Picenum*, whence the *Galli Senones* had been expelled; which afterwards gave occasion to various wars, *Polyb.* ii. 21.

Lex FLAVIA agraria, the author L. Flavius a tribune, A. 695, for the distribution of lands among Pompey's foldiers; which excited so great commotions, that the tribune, supported by Pompey, had the hardiness to commit the Consul Metellus to prison for opposing it, *Dio Cass.* xxxvii.; *Cic. Att.* i. 18. 19.

Leges FRUMENTARIÆ, laws for the distribution of corn among the people, first at a low price, and then *gratis*; the chief of which were the *Sempronian*, *Apuleian*, *Cassian*, *Clodian*, and *Octavian* laws.

Lex FUFIA, A. 692, That Clodius should be tried for violating the sacred rites of the *Bona Dea*, by the prætor, with a select bench of judges; and not before the

the people, according to the decree of the senate, *Cic. ad Att. i. 13, 14, 16.*

Lex FULVIA, A. 628, about giving the freedom of the city to the Italian allies; but it did not pass, *Appian, de bell. civ. i. ; Val. Max. ix. 5.*

Lex FURIA, by Camillus the dictator, A. 385, about the creation of the curule ædiles, *Liv. vi. 42.*

Lex FURIA vel Fusia, (for both are the same name, *Liv. iii. 4. ; Quinctil. i. 4.*) *de testamentis*, That no one should leave by way of legacy more than 1000 asses, and that he who took more should pay fourfold, *Cic. in Verr. i. 42. ; pro Balb. 8. ; Theophil. ad Instit. ii. 22.* By the law of the Twelve Tables, one might leave what legacies he pleased.

Lex FURIA ATILIA, A. 617, about giving up Mancinus to the Numantines, with whom he had made peace without the order of the people or senate, *Cic. Off. iii. 30.*

Lex FUSIA de comitiis, A. 694, That in the *Comitia Tributa* the different kinds of people in each tribe should vote separately, *Dio, 38.*

Lex FUSIA vel Furia CANINIA, A. 703, limiting the number of slaves to be manumitted, in proportion to the whole number which any one possessed; from two to ten the half, from ten to thirty the third, from thirty to a hundred the fourth part; but not above a hundred, whatever was the number, *Vopisc. Tacit. 11.* See p. 39.

Leges GABINIÆ, by A. Gabinus a tribune, A. 685, That Pompey should get the command of the war against the pirates, with extraordinary powers, *Cic. pro leg. Manil. 17.*: That the senate should attend to the hearing of embassies the whole month of February, *Cic. ad Quint. Fr. ii. 12. 13.*: That the people should give their votes by ballots, and not *viva voce*, as formerly, in creating magistrates: (See p. 95.) That the people of the provinces should not be allowed to borrow money at Rome from one person to pay another, (*versuram facere*), *Cic. Att. v. 21. vi. 2.*

There

There is another *Gabinian* law, mentioned by Porcius Latro in his declamation against Catiline, which made it capital to hold clandestine assemblies in the city, c. 19. But this author is thought to be supposititious. See *Cortius on Sallust*.

Lex GELLIA CORNELIA, A. 681, confirming the right of citizens to those to whom Pompey, with the advice of his council, (*de consilii sententia*) had granted it, *Cic. pro Balb.* 8. 14.

Lex GENUCIA, A. 411, That both consuls might be chosen from the plebeians, *Liv.* vii. 42. : That usury should be prohibited: That no one should enjoy the same office within ten years, nor be invested with two offices in one year, *Ibid.*

Lex GENUCIA ÆMILIA, A. 390, about fixing a nail in the right side of the temple of Jupiter, *Liv.* vii. 3.

Lex GLAUCIA, A. 653, granting the right of judging to the *Equites*, *Cic. de clar. Or.* 62.—*De repetundis*; See *LEX SERVILIA*.

Lex GLICIA, *de inofficioso testamento*. See p. 60.

Lex HIERONICA, containing the conditions on which the public lands of the Roman people in Sicily were possessed by the husbandmen. It had been prescribed by Hiero, tyrant of Syracuse, to his tenants, (*iis qui agros regis colerent*), and was retained by the Prætor Rupilius, with the advice of his counsel, among the laws which he gave to the Sicilians, when that country was reduced into the form of a province, *Cic. Verr.* iii. 8. 10. It resembled the regulations of the censors (*LEGES CENSORIÆ*) in their leases and bargains, (*in locationibus et pactationibus*), and settled the manner of collecting and ascertaining the quantity of the tithes.

Lex HIRTIA, A. 704, That the adherents of Pompey (*Pompeiani*) should be excluded from preferments, *Cic. Phil.* xiii. 16.

Lex HORATIA, about rewarding *Caia Tarratia*, a vestal virgin, because she had given in a present to the Roman people the *Campus Tiburtinus* or *Martius*: That

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she

she should be admitted to give evidence (*testabilis esset*), be discharged from her priesthood (*exaugurari posset*), and might marry if she chose, *Gell. vi. 7.*

Lex HORTENSIA, That the *nundinae* or market-days, which used to be held as *feriae* or holidays, should be *fastae* or court-days: That the country people, who came to town for market, might then get their law-suits determined, (*lites componerent*), *Macrob. Sat. i. 16.*

Lex HORTENSIA, *de plebiscitis*. See p. 19. 102.

Lex HOSTILIA, *de furtis*, about theft, is mentioned only by Justinian, *Instit. iv. 10.*

Lex ICILIA, *de tribunis*, A. 261, That no one should contradict or interrupt a tribune (*interfari tribuno*) while speaking to the people, *Dionys. vii.*

— Another, A. 297, *de Aventino publicando*, That the Aventine hill should be common for the people to build upon, *Id. x. ; liv. iii. 31.* It was a condition in the creation of the *decemviri*, that this law, and those relating to the tribunes (*LEGES SACRATÆ*), should not be abrogated, *liv. iii. 32.*

Lex JULIA, *de civitate sociis et Latinis danda*; the author L. Julius Cæsar, A. 663, That the freedom of the city should be given to the Latins and all the Italian allies who chose to accept of it, (*qui ei legi fundi fieri vellent*), *Cic. pro Balb. 8. ; Gell. iv. 4.* See p. 42.

Leges JULIÆ, laws made by Julius Cæsar and Augustus;

— 1. By C. Julius Cæsar, in his first consulship, A. 694, and afterwards when dictator;

Lex JULIA AGRARIA, for distributing the lands of Comania and Stella to 20,000 poor citizens, who had each three children or more, *Cic. pro Plan. 5. ; Att. ii. 3. 16. 18. 19. ; Dio, 38.*

When Bibulus, Cæsar's colleague in the consulate, gave his negative to this law, he was driven from the *forum* by force. And next day having complained in the senate, but not being supported, he was so discouraged, that during his continuance in office for eight months, he shut himself up at home, without doing any thing,
but

but interposing by his edicts, (*ut, quoad potestate abiret, domo abditus nihil aliud quam per edicta obnuntiaret*), *Suet. Jul. 20.*

— *de PUBLICANIS* *tertia parte pecuniæ debitæ rele- vandis*, about remitting to the farmers-general a third part of what they had stipulated to pay, *Suet. ibid.*; *Cic. pro Planc. 14.*; *Dio, ibid.* When Cato opposed this law with his usual firmness, Cæsar ordered him to be hurried away to prison; but fearing lest such violence should raise odium against him, he desired one of the tribunes to interpose and free him, *Plut. in Cæs.*

— For the ratification of all Pompey's acts in Asia. This law was chiefly opposed by Lucullus; but Cæsar so frightened him with threatening to bring him to an account for his conduct in Asia, that he promised compliance on his knees, *Suet. ibid.*

— *de PROVINCIIS ORDINANDIS*; an improvement on the *Cornelian* law about the provinces: And also ordaining that Achaia, Thessaly, Athens, and all Greece should be free and use their own laws, *Cic. in Pis. 16.*

— *de SACERDOTIIS*, restoring the *Domitian* law, and permitting persons to be elected priests in their absence, *Cic. ad Brut. 5.*

— *JUDICIARIA*, ordering the *judices* to be chosen only from the senators and *equites*, and not from the *tribuni ærarii*, *Suet. Jul. 41.*; *Cic. Phil. i. 9.*

— *de REPETUNDIS*, very severe (*acerrima*) against extortion. It is said to have contained above 100 heads, *Cic. Fam. viii. 7.*; *in Pis. 16, 21, 37.*; *pro Rab. Posth. 4.*; *Vatin. 12.*; *ad Attic. v. 10. & 16.*; *Suet. Jul. 43.*

— *de LEGATIONIBUS LIBERIS*, limiting their duration to five years, (See p. 20.) *Cic. Att. xv. 11.* They were called *liberæ*, *quod, cum velis, introire, exire liceat*, *Ibid.*

— *de VI PUBLICA ET PRIVATA, ET DE MAJESTATE*, *Cic. Phil. i. 8. 9.*

— *de PECUNIIS MUTUIS*, about borrowed money. See p. 45.

— *de MODO PECUNIÆ POSSIDENDÆ*, That no one should keep by him in *specie* above a certain sum, (HS. LX.) *Dio*, xli.; *Tacit. Annal.* vi. 16.

— About the population of Italy, That no Roman citizen should remain abroad above three years, unless in the army, or in public business; That at least a third of those employed in pasturage should be free-born citizens: Also, about increasing the punishment of crimes, dissolving all corporations or societies, except the ancient ones, granting the freedom of the city to physicians, and professors of the liberal arts, &c. *Suet.* 42.

— *de RESIDUIS*, about bringing those to account who retained any part of the public money in their hands, *Marcian*, l. 4. § 3. *ad leg. Jul.*

— *de LIBERIS PROSCRIPTORUM*, That the children of those proscribed by Sylla should be admitted to enjoy preferments, *Suet. Jul.* 41, which Cicero, when consul, had opposed, *Cic. in Pis.* 2.

— *SUMPTUARIA*, *Suet. Jul.* 42.; *Cic. ad Att.* xiii. 7.; *Fam.* vii. 26. ix. 15. It allowed 200 HS. on the *dies profesti*; 300 on the kalends, nones, ides, and some other festivals; 1000 at marriage-feasts, (*nuptiis et repotiis*), and such extraordinary entertainments. Gellius ascribes this law to Augustus, ii. 24.; but it seems to have been enacted by both. By an edict of Augustus or Tiberius, the allowance for an entertainment was raised, in proportion to its solemnity, from 300 to 2000 HS. *Ibid.*

2. The *Leges JULIÆ* made by Augustus were chiefly;

— Concerning marriage, (*de maritalibus ordinibus*, *Suet. Aug.* 34. hence called by Horace *LEX MARITA*, *carm. secul.* v. 68.) *Liv. epit.* 59.; *Suet.* 89.

— *de ADULTERIIS, et de pudicitia, de ambitu*, *Suet.* 34. against forestalling the market, (*nequis contra annonam fecerit, societatemque coierit, quod annona carior fiat*, *Ulpian.*).

— *de TUTORIBUS*, That guardians should be appointed for orphans in the provinces, as at Rome by the *Atilian* law, *Justin. Inst. de Atil. tut.*

Lex JULIA THEATRALIS, That those *equites*, who themselves, their fathers, or grandfathers, had the fortune of an *eques*, should sit in the fourteen rows assigned by the *Roscian* law to that order, *Suet. Aug.* 40.; *Plin.* xxxiii. 2.

There are several other laws called *Leges Juliae*, which occur only in the civil law.

Julius Cæsar proposed revising all the laws and reducing them to a certain form. But this, with many other noble designs of that wonderful man, was prevented by his death, *Suet. Jul.* 44.

Lex JUNIA, by M. Junius Pennus, a tribune, A. 627, about expelling foreigners from the city. (See p. 77.) Against extortion, ordaining, that besides the *litis æstimatio*, or paying an estimate of the damages, the person convicted of this crime should suffer banishment, *Paterc.* ii. 8.; *Cic. pro Balb.* 11.

— Another, by M. Junius Silanus the consul, A. 644, about diminishing the number of campaigns which soldiers should serve, *Ascon. in Cic.*

Lex JUNIA LICINIA, or *Junia et Licinia*, A. 691, enforcing the *Didian* law by severer penalties, *Cic. Phil.* v. 3.; *pro Sext.* 64.; *Vatin.* 14.; *Att.* iv. 16. ii. 9.

Lex JUNIA NORBANA, A. 771, concerning the manumission of slaves. See p. 40.

Lex LABIENA, A. 691, abrogating the law of Sylla, and restoring the *Domitian* law in the election of priests. It appears, that by this law two of the college named the candidates, and the *Comitia Tributa* chose which of them they pleased, *Cic. Phil.* ii. 2.

Lex AMPLA LABIENA, by two tribunes, A. 663, That at the *Circensian* games Pompey should wear a golden crown, and his triumphal robes; and in the theatre, the *prætecta* and a golden crown, *Paterc.* ii. 40.

Lex LÆTORIA, A. 292, That the plebeian magistrates should be created at the *Comitia Tributa*, *Liv.* ii. 56. 57.

— Another, A. 490, against the defrauding of minors, (*contra adolescentium circumscriptionem*), *Cic. Off. iii. 15*. By this law the years of minority were limited to twenty-five, and no one below that age could make a legal bargain, (*stipulāri*); whence it is called *Lex QUINNA VICENNARIA*, *Plaut. Pseud. i. 3. 68*.

Leges LICINIÆ, by P. Licinius Varus, city prætor, A. 545, fixing the day for the *ludi Appollinares*, which before was uncertain, *Liv. xxvii. 23*.

— by C. Licinius Crassus, a tribune, A. 608, That the choice of priests should be transferred from their college to the people, but it did not pass, *Cic. de Amic. 25*.

This Licinius Crassus, according to Cicero, first introduced the custom of turning his face to the *forum* when he spoke to the people, and not to the senate, as formerly, (*primum instituit in forum versus agere cum populo*), *Ibid.* But Plutarch says this was first done by Caius Gracchus, *Plut. in Gracch.*

— by C. Licinius Stolo, A. 377, That no one should possess above 500 acres of land, *Liv. vii. 35*. nor keep more than 100 head of great, or 500 head of small cattle, *Appian. de bell. civ. i.* But Licinius himself was soon after punished for violating his own law, *Liv. vii. 16*.

— by Crassus the orator, similar to the *Æbutian* law, *Cic. pro Dom. 20*.

Lex LICINIA, *de sodalitiis et de ambitu*, A. 698, against bribery, and assembling societies or companies for the purpose of canvassing for an office, *Cic. pro Planc. 15. 16*. In a trial for this crime, and for it only, the accuser was allowed to name (*edere*) the jurymen from the people in general, (*ex omni populo*), *Ibid. 17*.

Lex LICINIA sumptuaria, by the consuls P. Licinius Crassus the Rich, and Cn. Lentulus, A. 656, much the same with the *Fannian* law: That on ordinary days there should not be more served up at table than three pounds of flesh, and one pound of salt meat, (*salsamentorum*);

mentorum) ; but as much of the fruits of the ground as every one pleased, *Macrob. ii. 13. ; Gell. ii. 24.*

Lex LICINIA CASSIA, A. 422, That the legionary tribunes should not be chosen that year by the people, but by the consuls and prætors, *Liv. xlii. 31.*

Lex LICINIA SEXTIA, A. 377, about debt, That what had been paid of the interest (*quod usuris pernumeratum esset*) should be deducted from the capital, and the remainder paid in three years by equal portions, *Liv. vi. 35.* : That instead of *duumviri* for performing sacred rites, *decemviri* should be chosen, part from the patricians, and part from the plebeians, *Liv. vi. 41.* : That one of the consuls should be created from among the plebeians, *Liv. vi. 35.* See p. 121.

Lex LICINIA JUNIA, or *Junia et Licinia*, by the two consuls, A. 691, enforcing the *lex Cæcilia Didia*, *Cic. in Vat. 14.* whence they are often joined, *Cic. Phil. v. 3. ; pro Sev. 64. ; Att. ii. 9. iv. 16.*

Lex LICINIA MUCIA, A. 658, That no one should pass for a citizen who was not so, *Cic. Off. iii. 11. ; pro Balb. 21. 24.* which was one principal cause of the *Italic* or *Marsic* wars, *Ascon. in Cic. pro Corn.*

Leges LIVIÆ, proposed by M. Livius Drusus, a tribune, A. 662, about transplanting colonies to different places in Italy and Sicily, and granting corn to poor citizens at a low price ; also, that the *judices* should be chosen indifferently from the senators and *equites*, and that the allied states of Italy should be admitted to the freedom of the city.

Drusus was a man of great eloquence, and of the most upright intentions ; but endeavouring to reconcile those whole interests were diametrically opposite, he was crushed in the attempt ; being murdered by an unknown assassin at his own house, upon his return from the *forum*, amidst a number of clients and friends. No inquiry was made about his death. The states of Italy considered this event as a signal of revolt, and endeavoured to extort by force what they could not obtain voluntarily. Above 300,000 men fell in the contest in the space of

of two years. At last the Romans, although upon the whole they had the advantage, were obliged to grant the freedom of the city, first to their allies, and afterwards to all the states of Italy, *Appian. de bell. civ. i. ; Vell. Pat. ii. 15. ; Liv. epit. 71. ; Cic. Brut. 28, 49, 62. ; pro Rab. 7. ; Planc. 14. Dom. 19.*

This Drusus is also said to have got a law passed for mixing an eighth part of brass with silver, *Plin. xxxiii. 33.*

But the laws of Drusus (*leges Liviae*), as Cicero says, were abolished by a short decree of the senate, (*uno versiculo senatus puncto temporis sublatae sunt*, *Cic. de legib. ii. 6. Decrevit enim senatus, Philippo cos. referente, CONTRA AUSPICIA LATAS VIDERI.*)

Drusus was grandfather to Livia, the wife of Augustus, and mother of Tiberius.

Lex LUTATIA, *de vi*, by Q. Lutatius Catulus, A. 675, That a person might be tried for violence on any day, *Cic. pro Cal. i. 29.* festivals not excepted, on which no trials used to be held, *Cic. Att. in Verr. 10.*

Lex MÆNIA, by a tribune, A. 467, That the senate should ratify whatever the people enacted, *Cic. in Brut. 14.* See p. 19.

Lex MAJESTATIS, for punishing any crime against the people, and afterwards against the emperor, *Cornelia*, &c. *Cic. in Pis. 21. ; Tacit. Ann. iv. 34.*

Lex MAMILIA, *de limitibus*, vel *de regundis finibus agrorum*, for regulating the bounds of farms; whence the author of it, C. Mamilius, a tribune, A. 642, got the surname of *LIMITANUS*. It ordained, That there should be an uncultivated space of five feet broad left betwixt farms; and if any dispute happened about this matter, that arbiters should be appointed by the prætor to determine it. The law of the Twelve Tables required three, *Cic. de leg. i. 21.*

— Another, by the same person, for punishing those who had received bribes from Jugurtha, *Sall. Jug. 40.*

Lex

Lex MANILIA, for conferring on Pompey the command of the war against Mithridates, proposed by the tribune C. Manilius, A. 687, and supported by Cicero when prætor, *de leg. Manil.*

— Another by the same, That freedmen might vote in all the tribes, *Cic. pro Mur. 23.* whereas formerly they voted in some one of the four city tribes only. (See p. 101.) But this law did not pass, *Ascon. in Cic. pro Cornel.*

Leges MANILIANÆ venalium vendendorum, not properly laws, but regulations to be observed in buying and selling, to prevent fraud, *Cic. de Orat. i. 5. 58.* called by Varro *ACTIONES*, *de Re Rust. ii. 5. 11.* They were composed by the lawyer Manilius, who was consul, A. 603.

The formalities of buying and selling were by the Romans used in their most solemn transactions; as, in emancipation and adoption, marriage and testaments, in transferring property, &c.

Lex MANLIA, by a tribune, A. 558, about creating the *Triumviri Epulones*, *Liv. xxxiii. 42.*; *Cic. de Orat. iii. 19.*

— *de VICESIMA.* See p. 66.

Lex MARCIA, by Marcus Censorinus, That no one should be made censor a second time, *Plutarch, in Coriol.*

— *de Statiellatibus vel Statiellis*, about redressing the injuries of the *Statielli* or *-ates*, a nation of Liguria, *Liv. xlii. 21.*

Lex MARIA, by C. Marius, when tribune, A. 634, about making the entrances to the *Ovilia* (*pontes*) narrower, *Cic. de legg. iii. 17.*

Lex MARIA PORCIA, by two tribunes, A. 691, That those commanders should be punished, who, in order to obtain a triumph, wrote to the senate a false account of the number of the enemy slain in battle, or of the citizens that were missing; and that when they returned to the city, they should swear before the city quæstors

quæstors to the truth of the account which they had sent, *Val. Max.* ii. 8.

Lex MEMMIA vel *REMMIA*, by whom it was proposed, or in what year, is uncertain. It ordained, That an accusation should not be admitted against those who were absent on account of the public, *Valer. Max.* iii. 7.; *Suet. Jul.* 23. And if any one was convicted of false accusation (*calumniæ*), that he should be branded on the forehead with a letter, *Cic. pro Rosc. Am.* 19. 20. probably the letter K, as anciently the name of this crime was written *KALUMNIA*.

Lex MENENIA, A. 302, That in imposing fines, a sheep should be estimated at ten *asses*, and an ox at one hundred, *Festus in PECULATUS*.

Lex MENSIA, That a child should be held as a foreigner, if either of the parents was so. But if both parents were Romans and married, children always obtained the rank of the father, (*patrem sequebantur*); and if unmarried, of the mother, *Ulpian*.

Lex METILIA, by a tribune, A. 516, That Minucius, master of horse, should have equal command with Fabius the dictator, *Liv.* xxii. 25. 26.

Leges MILITARES, regulations for the army. By one of these it was provided, That if a soldier was by chance enlisted into a legion, commanded by a tribune whom he could prove to be inimical to him, he might go from that legion into another, *Cic. pro Flacco* 32.

Lex MINUCIA, *de triumviris mensariis*, by a tribune, A. 537, about appointing bankers to receive the public money, *Liv.* xxiii. 21.

Leges NUMÆ, laws of King Numa, mentioned by different authors: That the gods should be worshipped with corn and a salted cake, (*fruge et salsâ molâ*), *Plin.* xviii. 2.: That whoever knowingly killed a free man, should be held as a parricide, *Festus in QUÆSTORES PARRICIDII*: That no harlot should touch the altar of Juno; and if she did, that she should sacrifice an ewe lamb to that goddess with dishevelled hair, *Id. in PELICES*, *Gell.* iv. 3.: That whoever removed a land-mark should

should be put to death, (*qui terminum exarasset, et ipsum et boves sacros esse*), *Fest. in TERMINO*: That wine should not be poured on a funeral pile, *Plin. xiv. 12. &c.*

Lex OCTAVIA frumentaria, by a tribune, A. 633, abrogating the *Sempronian* law, *Cic. in Brut. 62*, and ordaining, as it is thought, that corn should not be given at so low a price to the people. It is greatly commended by Cicero, *Off. ii. 21.*

Lex OGULNIA, by a tribune, A. 453, That the number of the *pontifices* should be increased to eight, and of the augurs to nine; and that four of the former and five of the latter should be chosen from among the plebeians, *Liv. v. 6. 9.*

Lex OPPIA, by a tribune, A. 540, That no woman should have in her dress above half an ounce of gold, nor wear a garment of different colours, nor ride in a carriage in the city or in any town, or within a mile of it, unless upon occasion of a public sacrifice, *Liv. xxxiv. 1.; Tacit. Ann. iii. 33.*

Lex OPTIMA, a law was so called which conferred the most complete authority, *Festus in voce*, as that was called *optimum jus* which bestowed complete property.

Lex ORCHIA, by a tribune, A. 566, limiting the number of guests at an entertainment, *Fest. in OPSONITAVERE; Macrob. Sat. ii. 13.*

Lex OVINIA, That the censors should chuse the most worthy of all ranks into the senate, *Festus in PRÆTERITI SENATORES.*

Lex PAPIA, by a tribune, A. 688, That foreigners should be expelled from Rome, and the allies of the Latin name forced to return to their cities, *Cic. Off. iii. 11.; pro Balb. 23.; Arch. 5.; Att. iv. 16.*

Lex PAPIA POPPÆA, about the manner of chusing (*capiendi*) Vestal virgins, *Gell. i. 12.* The author of it, and the time when it was passed, are uncertain.

Lex PAPIA POPPÆA, *de maritandis ordinibus*, proposed by the consuls Papius and Poppæus at the desire of Augustus, A. 762, enforcing and enlarging the *Julian* law, *Tacit. Annal. iii. 25. 28.* The end of it was to promote

promote population, and repair the desolation occasioned by the civil wars. It met with great opposition from the nobility, and consisted of several distinct particulars, (*LEX SATURA*). It proposed certain rewards to marriage, and penalties against celibacy. Whoever in the city had three children, in the other parts of Italy four, and in the provinces five, was intitled to certain privileges and immunities. Hence the famous *JUS TRIUM LIBERORUM*, so often mentioned by Pliny, Martial, &c. which used to be granted also to those who had no children, first by the senate, and afterwards by the emperor, *Dio Cass.* lv.; *Plin. epist.* ii. 13. vii. 16. x. 2. The privileges of having three children were, an exemption from the trouble of guardianship, a priority in bearing offices, and a treble proportion of corn. Those who lived in celibacy could not succeed to an inheritance, except of their nearest relations, unless they married within 100 days after the death of the testator, nor receive an entire legacy, (*legatum omne, vel solidum capere*). And what they were thus deprived of in certain cases fell as an escheat (*caducum*) to the exchequer (*fisco*) or prince's private purse, *Juvenal*, ix. 88. &c.

Lex PAPIRIA, by a tribune, A. 563, diminishing the weight of the *as* one half, *Plin.* xxxiii. 3.

— by a prætor, A. 421, granting the freedom of the city without the right of voting to the people of Acerra, *liv.* viii. 17.

— by a tribune, the year uncertain, That no edifice, land, or altar should be consecrated without the order of the people, *Cic. pro Dom.* 49.

— A. 325, about estimating fines, *liv.* iv. 30.

— That no one should molest another without cause, *Fest. in SACRAMENTUM*.

— by a tribune, A. 621, That tablets should be used in passing laws, *Cic. de leg.* iii. 16.

— by a tribune, A. 623, That the people might re-elect the same person tribune as often as they chose; but it was rejected, *Cic. de Am.* 25.; *Liv. epit.* 59.

Instead

Instead of *Papirius*, they anciently wrote *Papifius*, Cic. Fam. ix. 21.: So *Valesius* for *Valerius*, *Aufelius* for *Aurelius*, &c. *Varro de Lat. ling.* i. 6.; *Festus. Quinctil.* i. 4. Ap. Claudius is said to have invented the letter R, probably from his first using it in these words, D. i. 2. 2. 36.

Lex PEDIA, by *Pedius* the consul, A. 710, decreeing banishment against the murderers of *Cæsar*, *Vell. Pat.* ii. 69.

Lex PEDUCÆA, by a tribune, A. 640, against incest, *Cic. de Nat. Deor.* iii. 30.

Lex PERSOLONIA or *Pesulania*, That if a quadruped did any hurt, the owner should either repair the damage, or give up the beast, *Paull. Sent.* i.

Lex PÆTELIA de ambitu, by a tribune, A. 397, That candidates should not go round to fairs and other public meetings, for the sake of canvassing, *Liv.* vii. 15.

— *de NEXIS*, by the consuls, A. 429, That no one should be kept in fetters or in bonds, but for a crime that deserved it, and that only till he suffered the punishment due by law: That creditors should have a right to attach the goods, and not the persons of their debtors, *Liv.* viii. 28.

— *de PECULATU*, by a tribune, A. 566, That inquiry should be made about the money taken or exacted from King *Antiochus* and his subjects, and how much of it had not been brought into the public treasury, *Liv.* xxxviii. 54.

Lex PETREIA, by a tribune, A. 668, That mutinous soldiers should be decimated, i. e. That every tenth man should be selected by lot for punishment, *Appian. de bell. civ.* ii.

Lex PETRONIA, by a consul, A. 813, prohibiting masters from compelling their slaves to fight with wild beasts, *Modestini ad leg. Cornel. de sicar.*

Lex PINARIA ANNALIS, by a tribune, A. 622. What it was is uncertain, *Cic. de Orat.* ii. 65.

Lex PLAUTIA vel PLOTIA, by a tribune, A. 664, That the *judices* should be chosen both from the

T

senators

senators and *equites*; and some also from the plebeians. By this law each tribe chose annually fifteen (*quinos de-
nos suffragio creabant*), to be *judices* for that year, in all
525. Some read *quinos creabant*; thus making them the
same with the CENTUMVIRI, *Ascon. in Cic. pro Cornel.*

— PLOTIA *de vi*, against violence, *Cic. pro Mil.*
13.; *Fam. viii. 8.*

Lex POMPEIA de vi, by Pompey, when sole consul, A. 701, That an inquiry should be made about the murder of Clodius on the Appian way, the burning of the senate-house, and the attack made on the house of M. Lepidus the interrex, *Cic. pro Mil. et Ascon.*

— *de AMBITU*, against bribery and corruption in elections, with the infliction of new and severer punishments, *Ibid.*; *Dio. 40.*

By these laws the method of trial was altered, and the length of them limited: Three days were allowed for the examination of witnesses, and the fourth for the sentence; on which the accuser was to have two hours only to enforce the charge; the criminal three for his defence, *Ibid.* This regulation was considered as a restraint on eloquence, *Dialog. de orator. 38.*

Lex POMPEIA judiciaria, by the same person; retaining the *Aurelian* law, but ordaining, That the *judices* should be chosen from among those of the highest fortune (*ex amplissimo censu*), in the different orders, *Cic. in Pis. 39.*; *Phil. i. 8.*; *Ascon. in Cic. — Quum in iudice et fortuna spectari deberet, et dignitas, Cic. Phil. i. 20.*

— *de COMITIIS*, That no one should be allowed to stand candidate for an office in his absence. In this law Julius Cæsar was expressly excepted, *Suet. Jul. 28.*; *Dio, xl.*; *Appian. de bell. civ. ii.*

— *de repetundis*, *Appian. ii.*—*De parricidis*, l. i. *Dig.*

The regulations which Pompey prescribed to the Bithynians, were also called *Lex POMPEIA*, *Plin. epist. x. 83, 113, 115.*

Lex POMPEIA de civitate, by Cn. Pompeius Strabo, the consul, A. 665, granting the freedom of the city to the Italians and the *Galli Cispadani*, *Plin. iii. 20.*

Lex

Lex POPILIA, about chusing the Vestal virgins, *Gell.* i. 12.

Lex PORCIA, by P. Porcius Læca, a tribune, A. 454, That no one should bind, scourge, or kill a Roman citizen, *Liv.* x. 9.; *Cic. pro Rabir. perd.* 3. 4.; *Verr.* v. 63.; *Sall. Cat.* 51.

Lex PUBLICIA, vel *Pubilia de lusu*, against playing for money at any game but what required strength, as, shooting, running, leaping, &c. l. 3. *D. de aleat.*

Lex PUBLILIA. See p. 19. 102.

Lex PUPIA, by a tribune, That the senate should not be held on *comitial* days, *Cic. ad frat.* ii. 12.; and that in the month of January, their first attention should be paid to the hearing of embassies, *Cic. Fam.* i. 4.

Lex QUINCTIA, A. 745, about the punishment of those who hurt or spoiled the aquæducts or public reservoirs of water, *Frontin. de aquæduct.*

Lex REGIA. See p. 24.

Leges REGIÆ, laws made by the kings, *Cic. Tusc. quæst.* iii. 1. which are said to have been collected by Papirius, or, as it was anciently written, Papirius, *Cic. Fam.* ix. 21. soon after the expulsion of Tarquin, *Dionys.* iii. whence they were called *jus civile PAPIRIANUM*; and some of them, no doubt, were copied into the Twelve Tables.

Lex RHODIA, containing the regulations of the Rhodians concerning naval affairs, (which Cicero greatly commends, *pro leg. Manil.* 18.; and Strabo, *lib.* 14.) supposed to have been adopted by the Romans. But this is certain only with respect to one clause, *de jactu*, about throwing goods over board in a storm.

Leges de REPETUNDIS; *Acilia*, *Calpurnia*, *Cæcilia*, *Cornelia*, *Julia*, *Junia*, *Servilia*.

Lex ROSCIA theatralis, determining the fortune of the *equites*, and appointing them certain seats in the theatre. (See p. 26.) *Cic. pro Muren.* 19.; *Juv.* xiv. 323.; *Liv. epit.* 99.; *Mart.* v. 8. By this law a certain place in the theatre was assigned to spendthrifts, (*decoctores*), *Cic. Phil.* ii. 18. The passing of this law

occasioned great tumults, which were allayed by the eloquence of Cicero the consul, *Cic. Att.* ii. 1.; *Plut. in Cic.* to which Virgil is supposed to allude, *Æn.* i. 152.

Lex RUPILIA, or more properly *decretum*, containing the regulations prescribed to the Sicilians by the Prætor Rupilius, with the advice of ten ambassadors, *Cic. Verr.* ii. 13. 15.

Leges SACRATÆ: Various laws were called by that name, chiefly those concerning the tribunes, made on the *Mons Sacer*, *Cic. pro Cornel.* because the person who violated them was consecrated to some god, *Festus*; *Cic. de Offic.* iii. 31.; *pro Balb.* 14. 15.; *Liv.* ii. 8. iii. 55. There was also a *LEX SACRATA MILITARIS*, That the name of no soldier should be erased from the muster-roll without his own consent, *Liv.* vii. 41. So among the *Æqui* and *Volsci*, *Liv.* iv. 26.; the *Tuscans*, ix. 39.; the *Ligures*, *Liv.* xxxvi. 3.; and particularly the *Samnites*, ix. 40. among whom those were called *Sacrati milites*, who were enlisted by a certain oath, and with particular solemnities, x. 38.

Lex SATURA, was a law consisting of several distinct particulars of a different nature, which ought to have been enacted separately, *Festus*.

Lex SCATINIA, vel *Scantinia de nefanda venere*, by a tribune, the year uncertain, against illicit amours, *Cic. Fam.* viii. 14.; *Phil.* iii.; *Juv.* ii. 43. The punishment at first was a heavy fine, *Quintil.* iv. 2. vii. 4.; *Suet. Domit.* 8. but it was afterwards made capital.

Lex SCRIBONIA, by a tribune, A. 601, about restoring the *Lusitani* to freedom, *Liv. ep.* 49.; *Cic. in Brut.* 23.

— Another, *de servitutum usucapionibus*, by a consul under Augustus, A. 719, That the right to servitudes should not be acquired by prescription, *l. 4. D. de Usucap.* which seems to have been the case in the time of Cicero, *pro Cacin.* 26.

Leges SEMPRONIÆ, laws proposed by the Gracchi, *Cic. Phil.* i. 7.

1. TIB. GRACCHI AGRARIA, by Tib. Gracchus, A. 620, That no one should possess more than 500 acres of land; and that three commissioners should be appointed to divide among the poorer people what any one had above that extent, *Liv. ep. 58.*; *Plut. in Gracch.*; *Appian. de bell. civ. ii.*

— *de CIVITATE ITALIS DANDA*, That the freedom of the state should be given to all the Italians, *Paterc. ii.*

2. 3.

— *de HÆREDITATE ATTALI*, That the money, which Attalus had left to the Roman people, should be divided among those citizens who got lands, to purchase the instruments of husbandry, *Liv. epit. 58.*; *Plut. in Gracch.*

These laws excited great commotions, and brought destruction on the author of them. Of course they were not put in execution, *Ibid.*

2. C. GRACCHI FRUMENTARIA, A. 628, That corn should be given to the poor people at a *triens* and a *semis*, or at $\frac{1}{2}$ of an *as* a bushel; and that money should be advanced from the public treasury to purchase corn for that purpose. The granaries in which this corn was kept, were called HORREA SEMPRONIA, *Cic. pro Sext. 48.*; *Tuscul. quæst. iii. 20.*; *Brut. 62.*; *Off. ii. 21.*; *Liv. epit. 58. 60.*

Note. A *triens* and *semis* are put for a *dextans*, because the Romans had not a coin of the value of a *dextans*.

— *de PROVINCIIS*, That provinces should be appointed for the consuls every year before their election, *Cic. de prov. Conf. 2.*; *pro Balb. 27.*; *Dom. 9.*; *Fam. i.*

7.

— *de CAPITE CIVIUM*, That sentence should not be passed on the life of a Roman citizen without the order of the people, *Cic. pro Rabir. 4.*; *Verr. v. 63.*; *in Cat. iv. 5.*

— *de MAGISTRATIBUS*, That whoever was deprived of his office by the people, should ever after be incapable of enjoying any other, *Plut. in Gracch.*

— JUDICIARIA, That the *judices* should be chosen from among the *equites*, and not from the senators as formerly, *Appian. de bell. civ.* 11.; *Cic. Verr.* i. 13.

— Against corruption in the *judices*, (*NEQUIS JUDICIO CIRCUMVENIRETUR*), *Cic. pro Cluent.* 55. Sulla afterwards included this in his law *de falso*.

— *de CENTURIIS EVOCANDIS*, That it should be determined by lot in what order the centuries should vote, *Sall. ad Caf. de rep. ord.* See p. 94.

— *de MILITIBUS*, That clothes should be afforded to soldiers by the public, and that no deduction should be made on that account from their pay; also, That no one should be forced to enlist below the age of seventeen, *Plut. in Gracch.*

— *de VIIS MUNIENDIS*, about paving and measuring the public roads, making bridges, placing mile-stones, and, at smaller distances, stones to help travellers to mount their horses, *Ibid.* for it appears the ancient Romans did not use stirrups; and there were wooden horses placed in the *Campus Martius*, where the youth might be trained to mount and dismount readily, *Veget.* i. 18. Thus Virgil, *Corpora saltu subjiciunt in equos*, *Æn.* xii. 288.

Lex SEMPRONIA de fenore, by a tribune, long before the time of the Gracchi, A. 560, That the interest of money should be regulated by the same laws among the allies and Latins, as among Roman citizens. The cause of this law was, to check the fraud of usurers, who lent their money in the name of the allies, (*in socios nomina transcribebant*), at higher interest than was allowed at Rome, *Liv.* xxxv. 7.

Lex SERVILIA AGRARIA, by P. Servilius Rullus, a tribune, A. 690, That ten commissioners should be created with absolute power for five years, over all the revenues of the republic; to buy and sell what lands they thought fit, at what price and from whom they chose, to distribute them at pleasure to the citizens, to settle new colonies where-ever they judged proper, and particularly in Campania, &c. But this law was prevented

vented from being passed, by the eloquence of Cicero the consul, *Cic. in Rull.—in Pis. 2.*

— *de CIVITATE*, by C. Servilius Glaucia, a prætor, A. 653, That if any of the Latin allies accused a Roman senator, and got him condemned, he should obtain the same place among the citizens which the criminal had held, *Cic. pro Balb. 24.*

— *de REPETUNDIS*, by the same person, ordaining severer penalties than formerly against extortion, and that the defendant should have a second hearing, (*ut reus comperendinaretur*), *Cic. Verr. i. 9. ; Rabir. P. 1. 4.*

— *SERVILIA JUDICIARIA*, by Q. Servilius Cæpio, A. 647, That the right of judging, which had been exercised by the *equites* alone for seventeen years, according to the *Sempronian* law, should be shared betwixt the senators and *equites*, *Cic. Brut. 43. 44. 86. ; de Orat. ii. 55. ; Tacit. Annal. xii. 60.*

Lex SICINIA, by a tribune, A. 262, That no one should contradict or interrupt a tribune while speaking to the people, *Dionys. vii.*

Lex SILIA, by a tribune, about weights and measures, *Festus, in PUBLICA PONDERA.*

Lex SILVANI et CARBONIS, by two tribunes, A. 664, That whoever was admitted as a citizen by any of the confederate states, if he had a house in Italy when the law was passed, and gave in his name to the prætor (*apud prætorem profiteretur*), within sixty days, he should enjoy all the rights of a Roman citizen, *Cic. pro Arch. 4.*

Lex SULPICIA SEMPRONIA, by the consuls, A. 449, That no one should dedicate a temple or altar without the order of the senate, or a majority of the tribunes, *Liv. ix. 46.*

Lex SULPICIA, by a consul, A. 553, ordering war to be proclaimed on Philip king of Macedon, *Liv. xxxi. 6.*

Leges SULPICIÆ de ære alieno, by the tribune Serv. Sulpicius, A. 665, That no senator should contract debt above 2000 *denarii*: That the exiles who had not been allowed

allowed a trial, should be recalled: That the Italian allies, who had obtained the right of citizens, and had been formed into eight new tribes, should be distributed through the thirty-five old tribes: Also, That the manumitted slaves (*cives libertini*), who used formerly to vote only in the four city tribes, might vote in all the tribes: That the command of the war against Mithridates should be taken from Sylla, and given to Marius, *Plut. in Syll. et Mar.*; *Liv. epit. 77.*; *Ascon. in Cic.*; *Paterc. ii. 18.*

But these laws were soon abrogated by Sylla, who, returning to Rome with his army from Campania, forced Marius and Sulpicius, with their adherents, to fly the city. Sulpicius, being betrayed by a slave, was brought back and slain. Sylla rewarded the slave with his liberty, according to promise; but immediately after, ordered him to be thrown from the Tarpeian rock for betraying his master, *Ibid.*

Leges SUMPTUARIÆ; *Orchia*, *Fannia*, *Didia*, *Licinia*, *Cornelia*, *Æmilia*, *Antia*, *Julia*.

Leges TABELLARIÆ, four in number. See p. 95.

Lex TALARIA, against playing at dice at entertainments, (*ut ne legi fraudem faciam talariæ*, that I may not break, &c.) *Plaut. Mil. glor. ii. 2. 9.*

Lex TARENTIA et *CASSIA frumentaria*. See *Lex Cassia*.

Lex TARENTILLA, by a tribune, A. 291, about limiting the powers of the consuls. It did not pass; but after great contentions gave cause to the creation of the *decemviri*, *Liv. iii. 9. 10. &c.*

Leges TESTAMENTARIÆ, *Cornelia*, *Furia*, *Viconia*.

Lex THORIA de vectigalibus, by a tribune, A. 646, That no one should pay any rent to the people for the public lands in Italy which he possessed, (*agrum publicum vectigali levavit*). *Cic. Brut. 36.* It also contained certain regulations about pasturage, *de Orat. ii. 70.* But
Appian

Appian gives a different account of this law, *de bell. civ. i.*

Lex TITIA de quæstoribus, by a tribune, as some think, A. 448, about doubling the number of quæstors, and that they should determine their provinces by lot, *Cic. pro Muren. 8.*

— *de MUNERIBUS*, against receiving money or presents for pleading, *Auson. epigr. 89.*; *Tacit. Annal. xi. 13.* where some read instead of *Cinciam*, *Titiam*.

— *AGRARIA*, what it was is not known, *Cic. de Orat. ii. 11.*; *de legg. ii. 6. 12.*

— *de LUSU*, similar to the *Publician law*.

— *de TUTORIBUS*, A. 722, The same with the *Julian law*, and, as some think, one and the same law, *Justin. Instit. de Atil. tut.*

Lex TREBONIA, by a tribune, A. 698, assigning provinces to the consuls for five years; Spain to Pompey; Syria and the Parthian war to Crassus; and prolonging Cæsar's command in Gaul for an equal time. Cato, for opposing this law, was led to prison, *Liv. epit. 105.*

— *de TRIBUNIS*. See p. 142.

Lex TRIBUNITIA, either a law proposed by a tribune, *Cic. in Rull. ii. 8.*; *Liv. iii. 56.* or the law restoring their power, *Cic. Verr. i. 16.*

Lex TRIUMPHALIS, That no one should triumph who had not killed 5000 of the enemy in one battle, *Valer. Max. ii. 8.*

Lex TULLIA de AMBITU, by Cicero, when consul, A. 690, adding to the former punishments against bribery, banishment for ten years; and, That no one should exhibit shews of gladiators for two years before he stood candidate for an office, unless that task was imposed on him by the testament of a friend, *Dio, 37.*; *Cic. Vat. 15.*; *Sext. 64.*; *Mur. 32. 34.* &c.

— *de LEGATIONE LIBERA*, limiting the continuance of it to a year, *Cic. de legg. iii. 8.*

Lex VALERIA de provocatione. See p. 114.

— *de*

— *de FORMIANIS*, A. 562, about giving the people of Formiæ the right of voting, *Liv.* xxxviii. 36.

— *de SULLA*, by L. Valerius Flaccus, interrex, A. 671, creating Sulla dictator, and ratifying all his acts, which Cicero calls the most unjust of all laws, *Cic. pro Rull.* iii. 2.; *S. Resc.* 43.; *de legg.* i. 15.

— *de QUADRANTE*, by L. Valerius Flaccus, consul, A. 667, That debtors should be discharged on paying one fourth of their debts, *Paterc.* ii. 23. See p. 45.

Lex VALERIA HORATIA de tributis comitiis, See p. 19. *De tribunis*, against hurting a tribune, *Liv.* iii. 55.

Lex VARIA, by a tribune, A. 662, That inquiry should be made about those by whose means or advice the Italian allies had taken up arms against the Roman people, *Cic. Brut.* 56. 89.; *Tusc. quæst.* ii. 24.; *Valer. Max.* v. 2.

Lex VATINIA de PROVINCIIS. See p. 120.

— *de alternis consiliis rejiciendis*, That in a trial for extortion, both the defendant and accuser might for once reject all the *judices* or jury; whereas formerly they could reject only a few, whose places the prætor supplied by a new choice, (*subfortitione*). *Cic. in Vat.* 11.

— *de COLONIS*, That Cæsar should plant a colony at *Novocomum* in Cisalpine Gaul, *Suet. Jul.* 28.

Leges DE VI, Plotia, Lutatia, et Julia.

Lex VIARIA, de VIIS MUNIENDIS, by C. Curio, a tribune, A. 703, somewhat similar to the *Agrarian* law of Rullus, *Cic. Fam.* viii. 6. By this law there seems to have been a tax imposed on carriages and horses, *ad Attic.* vi. 1.

Lex VILLIA ANNALIS. See p. 110.

Lex VOCONIA, de HÆREDITATIBUS mulierum, by a tribune, A. 584, That no one should make a woman his heir, (*NE QUIS HEREDEM VIRGINEM NEQUE MULIEREM FACERET*), *Cic. Verr.* i. 42.; nor leave to any one by way of legacy more than to his heir or heirs, *c.* 43.; *de Senect.* 5.; *Balb.* 8. But this law is supposed to have referred

referred chiefly to those who were rich, (*qui essent CENSI*, i. e. *pecuniosi vel classici*, those of the first class, *Afcon. in Cic.*; *Gell. vii. 13.*) to prevent the extinction of opulent families.

Various arts were used to elude this law. Sometimes one left his fortune in trust to a friend, who should give it to a daughter or other female relation; but this friend could not be forced to do so, unless he inclined, *Cic. de fin. ii. 17.* The law itself, however, like many others, on account of its severity, fell into disuse, *Gell. xx. 1.*

THESE are almost all the Roman laws mentioned in the classics. Augustus, having become sole master of the empire, *Tacit. Ann. i. 2.* continued at first to enact laws in the ancient form, which were so many vestiges of expiring liberty, (*vestigia morientis libertatis*), as Tacitus calls them: But he afterwards, by the advice of Mæcenas, *Dio, 52.* gradually introduced the custom of giving the force of laws to the decrees of the senate, and even to his own edicts, *Tacit. Annal. iii. 28.* His successors improved upon this example. The ancient manner of passing laws came to be entirely dropped. The decrees of the senate indeed, for form's sake, continued for a considerable time to be published; but at last these also were laid aside, and every thing was done according to the will of the prince.

The emperors ordained laws,—1. By their answers to the applications made to them at home or from the provinces, (*per RESCRIPTA ad LIBELLOS supplices, epistolas, vel preces*).

— 2. By their decrees in judgement or sentences in court, (*per DECRETA*), which were either INTERLOCUTORY, i. e. such as related to any incidental point of law which might occur in the process; or DEFINITIVE, i. e. such as determined upon the merits of the cause itself, and the whole question.

— 3. By their occasional ordinances, (*per EDICTA vel CONSTITUTIONES*), and by their instructions (*per MANDATA*), to their lieutenants and officers.

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These *constitutions* were either *general*, respecting the public at large; or *special*, relating to one person only, and therefore properly called **PRIVILEGIA**, but in a sense different from what it was used in under the republic. See p. 23. & 24.

The three great sources, therefore, of Roman jurisprudence were the laws, (**LEGES**), properly so called, the decrees of the senate, (**SENATUS CONSULTA**), and the edicts of the prince, (**CONSTITUTIONES PRINCIPALES**). To these may be added the edicts of the magistrates, chiefly the prætors, called **JUS HONORARIUM**, (See p. 127.) the opinions of learned lawyers, (**AUCTORITAS vel RESPONSA PRUDENTUM**, *vel Juris consultorum*, Cic. pro Muren. 13.; Cæcin. 24.) and custom or long usage, (**CONSUETUDO vel MOS MAJORUM**), Gell. xi. 18.

The titles and heads of laws, as the titles and beginnings of books, (*Ovid. Trist. i. 7.; Martial. iii. 2.*) used to be written with vermilion, (*rubricâ vel minio*): Hence **RUBRICA** is put for the Civil law; thus, *Rubrica vetavit*, the laws have forbidden, *Perf. v. 9. Alii se ad ALBUM*, (i. e. *jus prætorium*, *quia prætores edicta sua in albo proponebant*), *ac RUBRICAS* (i. e. *jus civile*), *transfulerunt*, *Quintil. xii. 3. 11.* Hence *Juvenal, Perlege rubras majorum leges*, *Sat. xiv. 193.*

The Constitutions of the emperors were collected by different lawyers. The chief of these were *Gregory* and *Hermogenes*, who flourished under *Constantine*. Their collections were called **CODEX GREGORIANUS** and **CODEX HERMOGENIANUS**. But these books were composed only by private persons. The first collection made by public authority, was that of the Emperor *Theodosius the younger*, published, *A. C. 438*, and called **CODEX THEODOSIANUS**. But it only contained the imperial constitutions from *Constantine* to his own time, for little more than an hundred years.

It was the emperor **JUSTINIAN** that first reduced the Roman law into a certain order. For this purpose he employed the assistance of the most eminent lawyers

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in the empire, at the head of whom was TRIBONIAN.

Justinian first published a collection of the imperial constitutions, A. 529, called CODEX JUSTINIANUS.

Then he ordered a collection to be made of every thing that was useful in the writings of the lawyers before his time, which are said to have amounted to 2000 volumes. This work was executed by Tribonian and sixteen associates in three years, although they had been allowed ten years to finish it. It was published, A. 533, under the title of *Digests* or *Pandects*, (PANDECTÆ vel DIGESTA). It is sometimes called in the singular, the *Digest* or *Pandect*.

The same year were published the elements or first principles of the Roman law, composed by three men, Tribonian, Theophilus, and Dorotheus, and called the *Institutes*, (INSTITUTA). This book was published before the *Pandects*, although it was composed after them.

As the first code did not appear sufficiently complete, and contained several things inconsistent with the *Pandects*, Tribonian and other four men were employed to correct it. A new code therefore was published xvi. Kal. Dec. 534, called CODEX REPETITÆ PRÆLECTIONIS, and the former code declared to be of no further authority. Thus in six years was completed what is called CORPUS JURIS, the body of Roman law.

But when new questions arose, not contained in any of the above-mentioned books, new decisions became necessary to supply what was wanting, or correct what was erroneous. These were afterwards published under the title of *Novels*, (NOVELLÆ sc. constitutiones), not only by Justinian, but also by some of the succeeding emperors. So that the *Corpus juris Romani Civilis* is made up of these books, the *Institutes*, *Pandects* or *Digests*, *Code*, and *Novels*.

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The Institutes are divided into four books, each book into several *titles* or chapters, and each title into paragraphs (§) of which the first is not numbered; thus, *Inst. lib. i. tit. x. princip.* or more shortly, *I. i. 10. pr.* So, *Inst. l. i. tit. x. § 2.*—or, *I. i. 10. 2.*

The Pandects are divided into fifty books; each book into several *titles*; each title into several laws, which are distinguished by numbers; and sometimes one law into beginning (*princ.* for *principium*) and paragraphs; thus, *D. i. 1. 5. i. e. Digest. first book, first title, fifth law.* If the law is divided into paragraphs, a fourth number must be added; thus, *D. 48. 5. 13. pr.* or *48. 5. 13. 3.* Sometimes the first word of the law, not the number, is cited. The Pandects are often marked by a double *f*; thus, *ff.*

The *Code* is cited in the same manner as the Pandects, by *Book*, *Title*, and *Law*: The *Novels* by their number, the chapter of that number, and the paragraphs, if any; as, *Nov. 115. c. 3.*

The Justinian code of law was universally received through the Roman world. It flourished in the east until the taking of Constantinople by the Turks, A. 1453. In the west it was in a great measure suppressed by the irruption of the barbarous nations, till it was revived in Italy in the 12th century by IRNERIUS, who had studied at Constantinople, and opened a school at Bologna under the auspices of Frederic I. Emperor of Germany. He was attended by an incredible number of students from all parts, who propagated the knowledge of the Roman Civil law through most countries of Europe; where it still continues to be of the greatest authority in courts of justice, and seems to promise, at least in point of legislation, the fulfilment of the famous prediction of the ancient Romans concerning the eternity of their empire.

JUDICIAL PROCEEDINGS of the ROMANS.

The Judicial proceedings (JUDICIA) of the Romans were either *Private* or *Public*; or, as we express it, *Civil* or *Criminal*: (*Omnia judicia aut distrabendarum controversiarum aut puniendorum malefactorum causâ reperta sunt.*) Cic. pro Cæciâ. 2.

I. (JUDICIA PRIVATA), or CIVIL TRIALS.

Judicia Privata, or Civil trials, were concerning private causes or differences betwixt private persons, Cic. de Orat. i. 38.; Top. 17. In these at first the kings presided, Dionys. x. then the consuls, Liv. ii. 27. the military tribunes and *decemviri*, Id. iii. 33.; but after the year 389, the Prætor *Urbanus* and *Peregrinus*. See p. 125.

The judicial power of the *Prætor Urbanus* and *Peregrinus* was properly called JURISDICTIO (*quæ posita erat in edicto et ex edicto decretis*); and of the prætors who presided at criminal trials, QUÆSTIO, Cic. Verr. i. 40. 41. 46. 47. &c. ii. 48. v. 14.; Muran. 20.; Flacc. 3.; Tacit. Agric. 6.

The prætor might be applied to (COPIAM SUI FACIEBAT) on all court-days, (*diebus fastis*); but on certain days, he attended only to petitions or requests (POSTULATIONIBUS VACABAT); and on others, to the examination of causes, (COGNITIONIBUS), Plin. epist. vii. 33.

On court-days early in the morning, the prætor went to the *Forum*, and there being seated on his tribunal, ordered an *accensus* to call out to the people around, that it was the third hour; and that whoever had any cause (*qui LEGE AGERE vellet*), might bring it before him. But this could only be done by a certain form.

I. VOCATIO in JUS, or Summoning to Court.

If a person had a quarrel with any one, he first tried to make it up (*litem componere vel dijudicare experiebatur*) in private, (*intra parietes*, Cic. pro P. Quinct. 5. 11. *per disceptatores domesticos vel operâ amicorum*, Cæcin. 2.)

If the matter could not be settled in this manner, Liv. iv. 9. the plaintiff (ACTOR *vel* PETITOR) ordered his adversary to go with him before the prætor (*in jus vocabat*), by saying, IN JUS EAMUS: IN JUS VENI: SEQUERE AD TRIBUNAL: IN JUS AMBULA, or the like. If he refused, the prosecutor took some one present to witness, by saying, LICET ANTESTARI? May I take you to witness? If the person consented, he offered his ear, (*auriculam opponebat*), which the prosecutor touched, Horat. Sat. i. 9. v. 45.; Plaut. Curcul. v. 2. See p. 58. Then the plaintiff might drag the defendant (*reum*) to court by force (*in jus rapere*), in any way, even by the throat (*obtorto collo*), Cic. et Plaut. Pæn. iii. 5. 45. according to the law of the Twelve Tables; si CALVITUR (*moratur*) PEDEMVE STRUIT, (*fugit vel fugam adornat*), MANUM ENDO JACITO (*injecito*), Festus. But worthless persons, as thieves, robbers, &c. might be dragged before a judge without this formality, Plaut. Perf. iv. 9. v. 10.

By the law of the Twelve Tables, none were excused from appearing in court; not even the aged, the sickly, and infirm. If they could not walk, they were furnished with an open carriage, (*jumentum*, i. e. *plaustrum* vel

vel vestibulum), Gell. xx. 1.; Cic. de legg. ii. 23.; Horat. i. 9. 76. But afterwards this was altered, and various persons were exempted; as, magistrates, Liv. xlv. 37.; those absent on account of the state, Val. Maxim. iii. 7. 9. &c.; also matrons, Id. ii. 1. 5.; boys and girls under age, D. de in jus vocand. &c.

It was likewise unlawful to force any person to court from his own house, because a man's house was esteemed his sanctuary (*tutissimum refugium et receptaculum*). But if any one lurked at home to elude a prosecution, he was summoned (*evocabatur*) three times, with an interval of ten days betwixt each summons, by the voice of a herald, or by letter, or by the edict of the prætor; and if still he did not appear (*se non sisteret*), the prosecutor was put in possession of his effects, (*in bona ejus mittebatur*). Ibid.

If the person cited found security, he was let go: (*SENSIET*) *si autem sit*, (sc. *aliquis*), QUI IN JUS VOCATUM VINDICIT, (*vindicaverit*, shall be surety for his appearance), MITTITO.

If he made up the matter by the way (*ENDO VIA*), the process was dropped. Hence may be explained the words of our Saviour, *Matth. v. 35.; Luke, xii. 58.*

II. POSTULATIO ACTIONIS, *Requesting a Writ, and giving Bail.*

If no private agreement could be made, both parties went before the prætor. Then the plaintiff proposed the action (*ACTIONEM EDEBAT*, vel *dicam scribebat*, Cic. Verr. ii. 15.) which he intended to bring against the defendant, (*QUAM IN REUM INTENDERE VELLE*); *Plaut. Pers. iv. 9. v. 8.* and demanded a writ (*ACTIONEM POSTULABAT*), from the prætor for that purpose. At the same time the defendant requested, that an *advocate* or lawyer should be given him, to assist him with his counsel.

There were several actions competent for the same thing. The prosecutor chose which he pleased, and the prætor usually granted it, (*ACTIONEM vel JUDICIUM DABAT vel REDDEBAT*): *Cic. pro Cæcin.* 3.; *Quinct.* 22.; *Verr.* ii. 12. 27.; but he might also refuse it, *Ibid. et ad Herenn.* 11. 13.

The plaintiff having obtained a writ from the prætor, offered it to the defendant, or dictated to him the words.

The greatest caution was requisite in drawing up the writ, (*in actione vel formula concipienda*); for if there was a mistake in one word, the whole cause was lost, *Cic. de invent.* ii. 19.; *Herenn.* i. 2.; *Quinctil.* iii. 8. vii. 3.; *Qui plus petebat, quam debitum est, causam perdebant*, *Cic. pro Q. Rosc.* 4.; *vel formulâ excidebat*, i. e. *causâ cadebat*, *Suet. Claud.* 14. Hence *SCRIBERE vel SUBSCRIBERE DICAM alicui, vel impingere*, to bring an action against one, *Cic. Verr.* ii. 15.; *Ter. Phorm.* ii. 3. 92. But *DICAM vel dicas fortiri*, i. e. *judices dare fortitione, qui causam cognoscant*, to appoint judges to judge of causes, *Cic. ibid.* 17.

A person skilled only in framing writs and the like, is called by Cicero *LEGULEIUS*, *prævo actionum, cantor formularum, auceps syllabarum*, *Cic. de Orat.* i. 55. and by *Quinctilian*, *FORMULARIUS*, xii. 3.

He attended on the advocates to suggest to them the laws and forms; as those called *PRAGMATICI* did among the Greeks, *Ibid.* and as *agents* do among us.

Then the plaintiff required, that the defendant should give bail for his appearance in court (*VADES, qui sponderent eum adfuturum*), on a certain day, which was usually the third day after, (*tertio die vel perendie*), *Cic. pro Quinct.* 7.; *Muren.* 12.; *Gell.* vii. 1. And thus he was said *VADARI REUM* (*VADES ideo dicti, quod, qui eos dederit, vadendi, id est, discedendi habet potestatem*, *Festus.*)

This was also done in a set form prescribed by a lawyer, who was said *VADIMONIUM CONCIPERE*, *Cic. ad Fratr.* ii. 14.

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The defendant was said VADES DARE, vel VADIMONIUM PROMITTERE. If he did not find bail, he was obliged to go to prison, *Plaut. Pers.* ii. 4. v. 18. The prætor sometimes put off the hearing of the cause to a more distant day, (*vadimonia differebat*), *Liv. epit.* 86.; *Juven.* iii. 112. But the parties (LITIGATORES) chiefly were said VADIMONIUM DIFFERRE *cum aliquo*, to put off the day of the trial, *Cic. Att.* ii. 7.; *Fam.* ii. 8.; *Quintil.* 14. 16.

In the mean time the defendant sometimes made up the matter privately with the plaintiff, and the action was dropped.

When the day came, if either party when cited was not present, without a valid excuse, (*sine morbo vel causa fontica*), he lost his cause, *Horat. Sat.* i. 9. v. 35. If the defendant was absent, he was said DESERERE VADIMONIUM, and the prætor put the plaintiff in possession of his effects, *Cic. pro Quint.* 6.

If the defendant was present, he was said VADIMONIUM SISTERE *vel* OBIRE. When cited, he said, UBI TU ES, QUI ME VADATUS ES? UBI TU ES, QUI ME CITASTI? ECCE ME TIBI SISTO, TU CONTRA ET TE MIHI SISTE. The plaintiff answered, ADSUM, *Plaut. Curcul.* i. 3. Then the defendant said, QUID AIS? The plaintiff said, AIO FUNDUM, QUEM POSSIDES, MEUM ESSE; *vel*, AIO TE MIHI DARE FACERE OPORTERE, or the like, *Cic. Mur.* 12. This was called INTENTIO ACTIONIS, and varied according to the nature of the action.

III. Different Kinds of ACTIONS.

Actions were either *Real, Personal, or Mixt.*

1. A real action (ACTIO IN REM), was for obtaining a thing to which one had a real right (*jus*
129

in re), but which was possessed by another. (*per quam rem nostram, quæ ab alio possidetur, petimus*, Ulpian)

2. A *personal action*, (*ACTIO IN PERSONAM*), was against a person for doing or giving something, which he was bound to do or give, by reason of a contract, or of some wrong done by him to the plaintiff.

3. A *mixed action* was both for a thing, and for certain personal prestations.

I. REAL ACTIONS.

Actions for a thing, or *real actions*, were either *CIVIL*, arising from some law, *Cic. in Cæcil. 5. ; de Orat. i. 2. ;* or *PRÆTORIAN*, depending on the edict of the prætor.

ACTIONES PRÆTORIÆ, were remedies granted by the prætor for rendering an equitable right effectual, for which there was no adequate remedy granted by the statute or common law.

A civil action for a thing (*actio civilis vel legitima in rem*), was called *VINDICATIO*. But this action could not be brought, unless it was previously ascertained, who ought to be the possessor. If this was contested, it was called *LIS VINDICIARUM*, *Cic. Verr. i. 45.* and the prætor determined the matter by an interdict, *Cic. Cæcin. iii. 14.*

If the question was about a slave, the person who claimed the possession of him, laying hands on the slave, (*manum ei injiciens*), before the prætor, said, *HUNC HOMINEM EX JURE QUIRITIUM MEUM ESSE AIO, EJUSQUE VINDICIAS*, (i. e. *possessionem*), *MIHI DARI POSTULO*. If the other was silent, or yielded his right, (*jure cedebat*), the prætor adjudged the slave to the person who claimed him, (*servum addicebat vindicanti*), that is, he decreed to him the possession, till it was determined who should be the proprietor of the slave, (*ad exitum judicii*). But if the other person also claimed possession,

session, (*si vindicias sibi conservari postularet*), then the prætor pronounced an interdict, (*interdicerebat*), QUI NEC VI, NEC CLAM, NEC PRECARIO POSSIDET, EI VINDICIAS DABO.

The laying on of hands (*MANUS INJECTIO*) was the usual mode of claiming the property of any person, *Liv. iii. 43.* to which frequent allusion is made in the classics, *Ovid. Epist. Heroid. viii. 16. xii. 158; Amor. i. 4. 40. ii. 5. 30.; Fast. iv. 90.; Virg. Æn. x. 419.; Cic. Rosc. Com. 16.; Plin. Epist. x. 19.; In vera bona non est manus injectio: Animo non potest injici manus, i. e. vis fieri, Seneca.*

In disputes of this kind, (*in litibus vindiciarum*), the presumption always was in favour of the possessor, according to the law of the Twelve Tables, SI QUI IN JURE MANUM CONSERUNT, (i. e. *apud judicem disceptant*), SECUNDUM EUM QUI POSSIDET, VINDICIAS DATO, *Gell. xx. 10.*

But in an action concerning liberty, the prætor always decreed possession in favour of freedom, (*vindicias dedit secundum libertatem*); and Appius the decemvir by doing the contrary, (*decernendo vindicias secundum servitutem, vel ab libertate in servitutem contra leges vindicias dando*), by decreeing, that Virginia should be given up into the hands of M. Claudius, his client, who claimed her, and not to her father, who was present); brought destruction on himself and his colleagues, *Liv. iii. 47. 56. 58.*

Whoever claimed a slave to be free, (*in libertatem vindicabat*), was said, EUM LIBERALI CAUSA MANU ASSE- RERE, *Terent. Adelph. ii. 1.; Plaut. Pæn. v. 2.;* but if he claimed a free person to be a slave, he was said, IN SERVITUTEM ASSE- RERE; and hence was called AS- SERTOR, *Liv. iii. 44.*

The expression MANUM CONSERERE, to fight hand to hand, is taken from war, of which the conflict between the two parties was a representation. Hence VINDICIA, i. e. *injectio vel correptio manus in re presenti*, was called *vis civilis et festuaria*, *Gell. xx. 10.* The two parties

parties are said to have crossed two rods, (*festucas inter se commisisse*), before the prætor, as if in fighting, and the vanquished party to have given up his rod to his antagonist. Whence some conjecture, that the first Romans determined their disputes with the point of their swords.

Others think that *vindicia* was a rod, (*virgula vel festuca*), which the two parties (*litigantes vel disceptantes*) broke in their fray or mock fight before the prætor, (as a straw (*stipula*), used anciently to be broken in making stipulations, *Isid.* iv. 24.) the consequence of which was, that one of the parties might say, that he had been ousted or deprived of possession (*possessione dejectus*) by the other, and therefore claim to be restored by a decree (*INTERDICTO*) of the prætor.

If the question was about a farm, a house, or the like, the prætor anciently went with the parties (*cum litigantibus*), to the place, and gave possession *vindicias dabat*, to which of them he thought proper. But from the increase of business this soon became impracticable; and then the parties called one another from court (*ex jure*) to the spot, (*in locum vel rem præsentem*), to a farm, for instance, and brought from thence a turf (*glebam*), which was also called *VINDICIÆ*, *Festus*, and contested about it as about the whole farm. It was delivered to the person to whom the prætor adjudged the possession, *Gell.* xx. 10.

But this custom also was dropped, and the lawyers devised a new form of process in suing for possession, which Cicero pleasantly ridicules, *pro Muren.* 12. The plaintiff (*petitor*) thus addressed the defendant, (*eum, unde petebatur*), *FUNDUS, QUI EST IN AGRO, QUI SABI-NUS VOCATUR, EUM EGO EX JURE QUIRITUM MEUM ESSE AIO, INDE EGO TE EX JURE MANU CONSERTUM* (to contend according to law) *VOCO*. If the defendant yielded, the prætor adjudged possession to the plaintiff. If not, the defendant thus answered the plaintiff, *UNDE TU ME EX JURE MANUM CONSERTUM VOCASTI, INDE IBI EGO TE REVOCO*. Then the prætor repeated his set form,

form, (*carmen compositum*), UTRISQUE, SUPERSTITIBUS PRÆSENTIBUS, (i. e. *testibus præsentibus*, before witnesses), ISTAM VIAM DICO. INITE VIAM. Immediately they both set out, as if to go to the farm, to fetch a turf, accompanied by a lawyer to direct them, (*qui ire viam doceret*). Then the prætor said, REDITE VIAM, upon which they returned. If it appeared, that one of the parties had been dispossessed by the other through force, the prætor thus decreed, UNDE TU ILLUM DEJECISTI, CUM NEC VI, NEC CLAM, NEC PRECARIO POSSIDERET, EO ILLUM RESTITUAS JUBEO. If not, he thus decreed, UTI NUNC POSSIDETIS, &c. ITA POSSIDEATIS. VIM FIERI VETO.

The possessor being thus ascertained, then the action about the right of property (*de jure domini*) commenced. The person ousted or outed (*possessione exclusus*, vel *dejectus*, Cic. pro Cæcin. 19.) first asked the defendant if he was the lawful possessor, (QUANDO EGO TE IN JURE CONSPICIO, POSTULO AN SIES AUCTOR? i. e. *possessor*, unde *meum jus repetere possim*, Cic. pro Cæcin. 19.; et Prob. in Not.). Then he claimed his right, and in the mean time required that the possessor should give security (SATISDARET), not to do any damage to the subject in question, (*se nihil deterius in possessione facturum*), by cutting down trees, or demolishing buildings, &c. in which case the plaintiff was said, PER PRÆDES, V. -em, vel *pro præde*, LITIS VINDICIARUM SATIS ACCIPERE, Cic. Verr. i. 45. If the defendant did not give security, the possession was transferred to the plaintiff, provided he gave security.

A sum of money also used to be deposited by both parties, called SACRAMENTUM, which fell to the gaining party after the cause was determined, *Festus*; *Varro de Lat. ling.* v. 36. or a stipulation was made about the payment of a certain sum, called SPONSIO. The plaintiff said, QUANDO NEGAS HUNC FUNDUM ESSE MEUM, SACRAMENTO TE QUINGENARIO PROVOCO. SPONDESNE QUINGENTOS, sc. *nummos* vel *asses*, SI MEUS EST? i. e. *si meum esse probavero*. The defendant said, SPONDEO,

SPONDEO QUINGENTOS, SI TUUS SIT. Then the defendant required a correspondent stipulation from the plaintiff, (*restipulabatur*), thus, ET TU SPONDESNE QUINGENTOS, NI TUUS SIT? i. e. *si probavero tuum non esse*. Then the plaintiff said, SPONDEO, NI MEUS SIT. Either party lost his cause if he refused to give this promise, or to deposit the money required.

Festus says this money was called SACRAMENTUM, because it used to be expended on sacred rites; but others, because it served as an oath (*quod instar sacramenti vel jurisjurandi esset*), to convince the judges that the law-suit was not undertaken without cause, and thus checked wanton litigation. Hence it was called PIGNUS SPONSIONIS, *Isidor. Orig. v. 24*. And hence *Pignore contendere, et sacramento* is the same, *Cic. Fam. vii. 32.*; *de Orat. i. 10*.

Sacramentum is sometimes put for the suit or cause itself, (*pro ipsa petitione*), *Cic. pro Cæcin. 33. sacramentum in libertatem*, i. e. *causa et vindiciæ libertatis*, the claim of liberty, *pro Dom. 29.*; *Mil. 27.*; *de Orat. i. 10*. So SPONSIONEM FACERE, to raise a law-suit, *Cic. Quint. 8. 26.*; *Verr. iii. 62.*; *Cæcin. 8. 16.*; *Rosc. Com. 4. 5.*; *Off. iii. 19*.

Sponsione laceffere, *Verr. iii. 57.*; *certare*, *Cæcin. 32.*; *vincere*, *Quinct. 27.*; and also *vincere sponsionem*, *Cæcin. 31.*; or *judicium*, to prevail in the cause, *Verr. i. 53.*; *condemnari sponsionis*, to lose the cause, *Cæcin. 31.*; *sponsiones*, i. e. *cause, prohibita judicari*, *Verr. iii. 62*.

The plaintiff was said *sacramento vel sponsione provocare, rogare, querere, et stipulari*. The defendant, *contendere ex provocatione vel sacramento, et restipulari*, *Cic. pro Rosc. Com. 13.*; *Valer. Max. ii. 82.*; *Festus.*; *Varr. de Lat. ling. v. 36*.

The same form was used in claiming an inheritance, (*IN HÆREDITATIS PETITIONE*), in claiming servitudes, &c. But in the last, the action might be expressed both affirmatively and negatively, thus, *AIIO, JUS ESSE, vel NON ESSE*. Hence it was called *Actio CONFESSORIA et NEGATORIA*.

2. PERSONAL ACTIONS.

Personal actions, called also **CONDICTIONES**, were very numerous. They arose from some contract, or injury done; and required that a person should do or give certain things, or suffer a certain punishment.

Actions from contracts or obligations were about buying and selling, (*de emptione et venditione*), about letting and hiring, (*de locatione et conductione*: *locabatur vel domus, vel fundus, vel opus faciendum, vel vectigal*; *Ædium conductor* **INQUILINUS**, *fundi* **COLONUS**, *operis* **REDEMPTOR**, *vectigalis* **PUBLICANUS** vel **MANCEPS** *dicebatur*): about a commission, (*de mandato*); partnership, (*de societate*); a deposit, (*de deposito apud sequestrem*); a loan, (*de commodato vel mutuo*); a pawn or pledge, (*de hypotheca vel pignore*); a wife's fortune, (*de dote vel re uxoria*); a stipulation, (*de stipulatione*), which took place in almost all bargains, and was made in this form; **AN SPONDES? SPONDEO: AN DABIS? DABO: AN PROMITTIS? PROMITTO** vel *repromitto*, *Plaut. Pseud. iv. 6.*; *Bacchid. iv. 8.*

These actions are usually named, **ACTIO empti, venditi, locati vel ex locato, conducti vel ex conducto, mandati, &c.** They were brought (*intendebantur*), in this manner: The plaintiff said, **AIO, TE MIHI MUTUI, COMMODATI, DEPOSITI NOMINE, DARE CENTUM OPORTERE; AIO TE MIHI EX STIPULATU, LOCATO, DARE FACERE OPORTERE**. The defendant either denied the charge, or made exceptions to it, or defences, (*Actoris intentionem aut negabat vel inficiabatur, aut exceptione elidebat*), that is, he admitted part of the charge, but not the whole; thus, **NEGO ME TIBI EX STIPULATO CENTUM DARE OPORTERE, NISI QUOD METU, DOLO, ERRORE ADDUCTUS SPOPONDI, vel NISI QUOD MINOR XIV. ANNIS SPOPONDI**. Then followed the **SPONSIO**, if the defendant denied, **NI DARE FACERE DEBEAT**; and the **RESTIPULATIO**, **SI DARE FACERE DEBEAT**; but if he excepted, the *sponsio* was, **NI DOLO ADDUCTUS SPOPONDERIT**; and the *restipulatio*, **SI DOLO ADDUCTUS**

SPOPONDERIT. To this Cicero alludes, *de Invent.* ii. 19.; *Fin.* ii. 7.; *Att.* vi. 1.

An exception was expressed by these words, SI NON, AC SI NON, AUT SI, AUT NISI, NISI QUOD, EXTRA QUAM SI. If the plaintiff answered the defendant's exception, it was called REPLICATIO; and if the defendant answered him, it was called DUPLICATION. It sometimes proceeded to a TRIPLICATION and QUADRUPLICATION. The exceptions and replies used to be included in the SPONSIO, *Liv.* xxxix. 43.; *Cic. Verr.* i. 45. iii. 57. 59.; *Cecin.* 16.; *Val. Max.* ii. 8. 2.

When the contract was not marked by a particular name, the action was called ACTIO PRÆSCRIPTIS VERBIS, *actio incerta vel incerti*; and the writ (*formula*) was not composed by the prætor, but the words were prescribed by a lawyer, *Val. Max.* vii. 2.

Actions were sometimes brought against a person on account of the contracts of others, and were called *Adjectitiæ qualitatis*.

As the Romans esteemed trade and merchandize dishonourable, especially if not extensive, *Cic. Off.* i. 42. instead of keeping shops themselves, they employed slaves, freedmen, or hirelings, to trade on their account, (*negotiationibus præficiabant*), who were called INSTITORES, (*quod negotio gerendo instabant*); and actions brought against the trader (*in negotiatorem*), or against the employer (*in dominum*), on account of the trader's transactions, were called ACTIONES INSTITORIÆ.

In like manner, a person who sent a ship to sea at his own risk, (*suo periculo navem mari immittebat*), and received all the profits, (*ad quem omnes obventiones et reditus navis pervenirent*), whether he was the proprietor (*dominus*) of the ship, or hired it, (*navem per averfionem conduxisset*), whether he commanded the ship himself, (*sive ipse NAVIS MAGISTER esset*), or employed a slave or any other person for that purpose, (*navi præficeret*), was called *navis EXERCITOR*; and an action lay

lay against him (*in eum competebat, erat vel dabatur*), for the contracts made by the master of the ship, as well as by himself, called **ACTIO EXERCITORIA**.

An action lay against a father or master of a family, for the contracts made by his son or slave, called *actio* **DE PECULIO**, or *actio* **DE IN REM VERSO**, if the contract of the slave had turned to his master's profit; or *actio* **JUSSU**, if the contract had been made by the master's order.

But the father or master was bound to make restitution, not to the entire amount of the contract, (*non in solidum*), but to the extent of the *peculium*, and the profit which he had received.

If the master did not justly distribute the goods of the slave among his creditors, an action lay against him, called *actio* **TRIBUTORIA**.

An action also lay against a person in certain cases, where the contract was not expressed, but presumed by law, and therefore called *Obligatio* **QUASI EX CONTRACTU**; as when one, without any commission, managed the business of a person in his absence, or without his knowledge; hence called **NEGOTIORUM GESTOR**, or **VOLUNTARIUS AMICUS**, *Cic. Cæcin. 5. vel PROCURATOR, Cic. Brut. 4.*

3. PENAL ACTIONS.

Actions for a private wrong were of four kinds: **EX FURTO, RAPINA, DAMNO, INJURIA**; for theft, robbery, damage, and personal injury.

1. The different punishments of theft were borrowed from the Athenians. By the laws of the Twelve Tables, a thief in the night-time might be put to death; **SI NOX (noctu) FURTUM FAXIT, SIM (si eum) ALIQUIS OCCISIT (occiderit), JURE CÆSUS ESTO**; and also in the day-time, if he defended himself with a weapon; **SI LUCI FURTUM FAXIT, SIM ALIQUIS ENDO (in) IP SO FURTO CAPSIT (ceperit), VERBERATOR, ILLIQUE,**

CUI FURTUM FACTUM ESCIT (*erit*), ADDICTOR, *Gell. xi. ult.* but not without having first called out for assistance, (*sed non nisi is, qui interempturus erat, QUIRITARET, i. e. clamaret, QUIRITES VOSTRAM FIDEM, sc. imploro, vel PORRO QUIRITES.*)

The punishment of slaves was more severe. They were scourged and thrown from the Tarpeian rock. Slaves were so addicted to this crime, that they were anciently called FURES: hence *Virg. Ecl. iii. 16. Quid domini faciant, audent cum talia fures*; so *Hor. Ep. i. 6. 46.* and theft, *SERVILE PROBRUM, Tacit. Hist. i. 48.*

But afterwards these punishments were mitigated by various laws, and by the edicts of the prætors. One caught in manifest theft (*in FURTO MANIFESTO*), was obliged to restore fourfold, (*quadruplum*), besides the thing stolen; for the recovery of which there was a real action (*vindicatio*) against the possessor, whoever he was.

If a person was not caught in the act, but so evidently guilty that he could not deny it, he was called *FUR NEC MANIFESTUS*, and was punished by restoring double, *Gell. xi. 18.*

When a thing stolen was, after much search, found in the possession of any one, it was called *FURTUM CONCEPTUM*, (See p. 193.) and by the law of the Twelve Tables was punished as manifest theft, *Gell. ibid. § 4; Inst. h. t.* but afterwards, as *furtum nec manifestum*.

If a thief, to avoid detection, offered things stolen (*res furtivas vel furto ablatas*) to any one to keep, and they were found in his possession, he had an action, called *Actio FURTI OBLATI*, against the person who gave him the things, whether it was the thief or another, for the triple of their value, *Ibid.*

If any one hindered a person to search for stolen things, or did not exhibit them when found, actions were granted by the prætor against him, called *Actiones FURTI PROHIBITI et NON EXHIBITI*; in the last for double, *Plaut. Pen. iii. 1. v. 61.* What the penalty was in the first is uncertain. But in whatever manner theft

theft was punished, it was always attended with infamy.

2. Robbery (RAPINA) took place only in moveable things, (*in rebus mobilibus*). Immoveable things were said to be invaded, and the possession of them was recovered by an *interdict* of the prætor.

Although the crime of robbery (*crimen raptus*), was much more pernicious than that of theft, it was, however, less severely punished.

An action (*actio VI BONORUM RAPTORUM*) was granted by the prætor against the robber (*in raptorem*), only for fourfold, including what he had robbed. And there was no difference whether the robber was a freeman or a slave; only the proprietor of the slave was obliged, either to give him up, (*eum noxæ dedere*), or pay the damage (*damnum præstare*).

3. If any one slew the slave or beast of another, it was called DAMNUM INJURIA DATUM, i. e. *dolo vel culpa nocentis admissum*, and he was obliged to repair the damage by the *Aquillian law*: QUI SERVUM SERVAMVE, ALIENUM ALIENAMVE, QUADRUPEDEM vel PECUDEM INJURIA OCCIDERIT, QUANTI ID IN EO ANNO PLURIMI FUIT, (whatever its highest value was for that year), TANTUM ÆS DARE DOMINO DAMNAS ESTO. By the same law, there was an action against a person for hurting any thing that belonged to another, and also for corrupting another man's slave, (ADVERSUS FATENT-TEM IN DUPLUM), l. 1. princ. D. de serv. corr.

4. Personal injuries or affronts (INJURIE) respected either the body, the dignity, or character of individuals. They were variously punished at different periods of the republic.

By the Twelve Tables, smaller injuries (*injuriæ leviores*) were punished with a fine of twenty-five *asses* or pounds of brass.

But if the injury was more atrocious; as for instance, if any one deprived another of the use of a limb, (*si membrum rupsit, i. e. ruperit*), he was punished by retaliation, (*talione*), if the person injured would not

accept of any other satisfaction. (See p. 188.) If he only dislocated or broke a bone (*QUI OS EX GENITALI* (i. e. *ex loco ubi gignitur*), *FUDIT*) he paid 300 asses, if the sufferer was a freeman, and 150, if a slave, *Gell. xxi. 1.* If any one slandered another by defamatory verses, (*si quis aliquem publice diffamasset, eique adversus bonos mores convicium fecisset*, affronted him, *vel carmen famosum in eum condidisset*), he was beaten with a club, *Hor. Sat. ii. 1. v. 82.*; *Ep. ii. 1. v. 153.*; *Cornut. ad Pers. Sat. 1.* as some say to death, *Cic. apud Augustin. de civ. vii. Dei, ii. 9, & 12.*

But these laws gradually fell into disuse, *Gell. xxi. 1.* and by the edicts of the prætor, an action was granted on account of all personal injuries and affronts only for a fine, which was proportioned to the dignity of the person, and the nature of the injury. This, however, being found insufficient to check licentiousness and insolence, Sulla made a new law concerning injuries, by which, not only a civil action, but also a criminal prosecution was appointed for certain injuries, with the punishment of exile, or working in the mines.

An action might also be raised against a person for an injury done by those under his power, which was called *ACTIO NOXALIS*, as, if a slave committed theft, or did any damage without his master's knowledge, he was to be given up to the injured person, (*SI SERVUS, INSCIENTE DOMINO, FURTUM FAXIT, NOXAMVE NOXIT*, (*nocuerit, i. e. damnum fecerit*), *NOXÆ DEDITOR*): And so if a beast did any damage, the owner was obliged to offer a compensation, or give up the beast: (*SI QUADRUPES PAUPERIEM (damnum) FAXIT, DOMINUS NOXIÆ ÆSTIMIAM (damni æstimationem) OFFERTO; SI NOLIT, QUOD NOXIT, DATO.*)

4. MIXED and ARBITRARY ACTIONS.

Actions by which one sued for a thing, (*rem persequi batur*), were called *Actiones REI PERSECUTORIÆ*; but actions merely for a penalty or punishment, were called *POENALES*; for both, *MIXTÆ*.

Actions in which the judge was obliged to determine strictly according to the convention of parties, were called *Actiones STRICTI JURIS*; actions which were determined by the rules of equity, (*ex æquo et bono*), were called *ARBITRARIÆ*, or *BONÆ FIDEI*. In the former a certain thing, or the performance of a certain thing (*certa præstatio*), was required; a *sponsio* was made, and the judge was restricted to a certain form; in the latter, the contrary of all this was the case. Hence in the form of actions *bonæ fidei* about contracts, these words were added, *EX BONA FIDE*; in those trusts called *fiducia*, *UT INTER BONOS BENE AGIER OPORTET, ET SINE FRAUDATIONE*; and in a question about recovering a wife's portion after a divorce, (*in arbitrio rei uxoriæ*), and in all arbitrary actions, *QUANTUM vel QUID ÆQUIUS, MELIUS*, *Gic. de Offic. iii. 15.; 2. Rose. 4.; Topic. 17.*

IV. Different kinds of Judges; *Judices, Arbitri, Recuperatores, et Centumviri.*

After the form of the writ was made out (*concepta actionis intentione*), and shown to the defendant, the plaintiff requested of the prætor to appoint one person or more to judge of it, (*judicem vel judicium in eam a prætore postulabat*). If he only asked one, he asked a *judex*, properly so called, or an *arbitrator*: If he asked more than one, (*judicium*), he asked either those who were called *Recuperatores* or *Centumviri*.

1. A JUDEX judged both of fact and of law, but only in such causes as were easy and of smaller importance, and which he was obliged to determine according to an express law or a certain form prescribed him by the prætor.

2. An ARBITER judged in those causes which were called *bonæ fidei*, and arbitrary, and was not restricted by any law or form, (*totius rei arbitrium habuit et potestatem*, he determined what seemed equitable in a thing not sufficiently defined by law, *Festus*.) *Cic. pro Rosc. Com.* 4. 5.; *Off.* iii. 16.; *Topic.* 10.; *Senec. de Benef.* iii. 7. Hence he is called HONORARIUS, *Cic. Tusc.* v. 41.; *de Fato*, 17. *Ad arbitrum vel judicem, adire, confugere*, *Cic. pro Rosc. Com.* 4.; *arbitrum sumere*, *Ibid.*; *capere*, *Ter. Heaut.* iii. 1. 94.; *Adelph.* i. 2. 43. ARBITRUM ADIGERE, i. e. *ad arbitrum agere vel cogere*, to force one to submit to an arbitration, *Cic. Off.* iii. 16.; *Top.* 10. AD vel APUD JUDICEM agere, *experiri, litigare, petere*. But *arbiter* and *judex*, *arbitrium* and *judicium* are sometimes confounded, *Cic. Rosc. Com.* 4. 9.; *Am.* 39.; *Mur.* 12.; *Quint.* 3. *Arbiter* is also sometimes put for TESTIS, *Flacc.* 36.; *Sallust. Cat.* 20.; or the master or director of a feast, *arbiter bibendi*, *Hor. Od.* ii. 7. 23.; *arbiter Adriæ*, ruler, *Id.* i. 3.; *maris*, having a prospect of, *Id. Epist.* i. 11. 26.

A person chosen by two parties by compromise (*ex compromisso*), to determine a difference without the appointment of the prætor, was also called *arbiter*, but more properly COMPROMISSARIUS.

3. RECUPERATORES were so called, because by them every one recovered his own, *Theophil. ad Inst.* This name at first was given to those who judged betwixt the Roman people and foreign states about recovering and restoring private things, *Festus* in RECUPERATIO; and hence it was transferred to those judges who were appointed by the prætor for a similar purpose in private controversies, *Plaut. Bacch.* ii. 3. v. 36.; *Cic. in Cæcil.* i. &c.; *Cæcil.* 17. But afterwards, they judged also about other matters, *Liv.* xxvi. 48.; *Suet. Ner.*

17.; *Domit.* 8.; *Gell.* xx. 1. They were chosen from Roman citizens at large, according to some, but more properly, according to others, from the JUDICES SELECTI, (*ex albo judicum*, from the list of judges), *Plin. Ep.* iii. 20. and in some cases only from the senate, *Liv.* xliii. 2. So in the provinces (*ex conventu Romanorum civium*, i. e. *ex Romanis civibus qui juris et judiciorum causâ in certum locum convenire solebant*. See p. 171.) *Cic. Verr.* ii. 13. v. 36. 59. 69. *Cas. de bell. civ.* ii. 20. 36. iii. 21. 29. where they seem to have judged of the same causes as the *Centumviri* at Rome, *Cic. Verr.* iii. 11. 13. 28. 59. A trial before the *Recuperatores*, was called JUDICIUM RECUPERATORIUM, *Cic. de Invent.* ii. 20.; *Suet. Vespas.* 3.; *cum aliquo recuperatores sumere*, vel *cum ad recuperatores adducere*, to bring one to such a trial, *Liv.* xliii. 2.

4. CENTUMVIRI were judges chosen from the thirty-five tribes, three from each; so that properly there were 105, but they were always named by a round number CENTUMVIRI, *Festus*. The causes which came before them (*causæ centumvirales*) are enumerated by Cicero, *de Orat.* i. 38. They seem to have been first instituted soon after the creation of the prætor *Peregrinus*. They judged chiefly concerning testaments and inheritances, *Cic. ibid.*; *pro Cæcin.* 18.; *Valer. Max.* vii. 7.; *Quintil.* iv. 7.; *Plin.* iv. 8. 32.

After the time of Augustus they formed the Council of the Prætor, and judged in the most important causes, *Tacit. de Orat.* 38.; whence trials before them (JUDICIA CENTUMVIRALIA) are sometimes distinguished from private trials, *Plin. Ep.* vi. 4. 33.; *Quintil.* iv. 1. v. 10.; but these were not criminal trials, as some have thought, *Suet. Vesp.* 10.; for in a certain sense all trials were public (JUDICIA PUBLICA), *Cic. pro Arch.* 2.

The number of the centumviri was increased to 180, and they were divided into four councils, *Plin. Ep.* iv. 24. vi. 33.; *Quintil.* xii. 5. Hence QUADRUPLEX JUDICIUM, is the same as CENTUMVIRALE, *Ibid.*; sometimes only into two, *Quintil.* v. 2. xi. 1. and some-
times

times in important causes they judged all together, *Val. Max. vii. 1. ; Plin. Ep. vi. 33.*

Ten men (DECEMVIRI) See p. 155. were appointed, five senators and five equites, to assemble these councils, and preside in them in the absence of the prætor, *Suet. Aug. 36.*

Trials before, the *centumviri* were held usually in the *Basilica Julia*, *Plin. Ep. ii. 24. ; Quint. xii. 5.* sometimes in the *Forum*. They had a spear set upright before them, *Quint. v. 2.* Hence *judicium hasta*, for CËNTUMVIRALE, *Valer. Max. vii. 8. 4.* *Centumviralem hastam cogere*, to assemble the courts of the *decemviri*, and preside in them, *Suet. Aug. 36.* So CËNTUM GRAVIS HASTA VIRORUM, *Mart. epig. vii. 62. ; Cessat centeni moderatrix judicis hasta*, *Stat. Sylv. iv. 4. v. 43.*

The *centumviri* continued to act as judges for a whole year, but the other *judices* only till the particular cause was determined for which they were appointed.

The DECEMVIRI also judged in certain causes, *Cic. Cæcin. 33. ; dom. 29.* and it is thought that in particular cases they previously took cognisance of the causes which were to come before the *centumviri*, and their decisions were called PRÆJUDICIA, *Sigonius de Judic.*

V. The APPOINTMENT of a JUDGE or Judges.

Of the above-mentioned judges the plaintiff proposed to the defendant (*adversario FEREBAT*), such judge or judges as he thought proper, according to the words of the *sponsio*, NI ITA ESSET: Hence JUDICEM vel -es FERRE ALICUI, to undertake to prove before a judge, *Liv. iii. 24. 57. viii. 33. ; Cic. Quint. 15. ; de Orat. ii. 65.* and asked that the defendant would be contented with the judge or judges whom he named, and not ask another,

ther, (*ne alium PROCARET*, i. e. *posceret*, Festus.). If he approved, then the judge was said to be agreed on, *CONVENIRE*, *Cic. pro Q. Rosc.* 15.; *Cluent.* 43.; *Valer. Max.* ii. 8. 2. and the plaintiff requested of the prætor to appoint him, in these words, *PRÆTOR JUDICEM ARBITRUMVE POSTULO, UT DES IN DIEM TERTIUM SIVE PERENDINUM*, *Cic. pro Mur.* 12.; *Valer. Prob. in Notis*, and in the same manner *recuperatores* were asked, *Verr.* iii. 58. But *centumviri* were not asked, unless both parties subscribed to them, *Plin. Ep.* v. 1.

If the defendant disapproved of the judge proposed by the plaintiff, he said, *HUNC EJERO vel NOLO*, *Cic. de Orat.* ii. 70.; *Plin. Paneg.* 36. Sometimes the plaintiff desired the defendant to name the judge, (*UT JUDICEM DICERET*), *Liv.* iii. 56.

The judge or judges agreed on by the parties, were appointed (*DABANTUR vel ADDICEBANTUR*) by the prætor, with a certain form answering to the nature of the action. In these forms the prætor always used the words, *SI PARET*, i. e. *apparet*; thus, *C. ACQUILLI*; *JUDEX ESTO. SI PARET, FUNDUM CAPENATEM, DE QUO SERVILIUS AGIT CUM CATULO, SERVILII ESSE EX JURE QUIRITIIUM, NEQUE IS SERVILIO A CATULO RESTITUATUR, TUM CATULUM CONDEMNA.* But if the defendant made an exception, it was added to the form, thus; *EXTRA QUAM SI TESTAMENTUM PRODATUR, QUO APPAREAT CATULI ESSE.* If the prætor refused to admit the exception, an appeal might be made to the tribunes, *Cic. Acad. Quæst.* iv. 30. The prætor, if he thought proper, might appoint different judges from those chosen by the parties, although he seldom did so: And no one could refuse to act as a *judex*, when required, without a just cause, *Suet. Claud.* 15.; *Plin. Ep.* iii. 20. x. 66.

The prætor next prescribed the number of witnesses to be called, (*quibus denunciaretur testimonium*), which commonly did not exceed ten. Then the parties, or their agents (*PROCURATORES*), gave security (*SATISDABANT*) that what was decreed would be paid, and the

the sentence of the judge held ratified, (*JUDICATUM SOLVI et REM RATAM HABERI*).

In arbitrary causes a sum of money was deposited by both parties, called *COMPROMISSUM*, *Cic. pro Rosc. Com. 4.*; *Verr. ii. 27.*; *ad Q. Fratr. ii. 15.* which word is also used for a mutual agreement, *Cic. Fam. xii. 30.*

In a personal action the *procuratores* only gave security; those of the plaintiff, to stand to the sentence of the judge; and those of the defendant, to pay what was decreed, *Cic. Quint. 7.*; *Att. xvi. 15.*

In certain actions the plaintiff gave security to the defendant, that no more demands should be made upon him on the same account, (*eo nomine a se NEMINEM AMPLIUS vel POSTEA PETITURUM*), *Cic. Brut. 5.*; *Rosc. Com. 12.*; *Fam. xiii. 29.*

After this followed the *LITIS CONTESTATIO*, or a short narration of the cause by both parties, corroborated by the testimony of witnesses, *Cic. Att. xvi. 15.*; *Rosc. Com. 11. 12. 18.*; *Festus Macrob. Sat. iii. 9.*

The things done in court before the appointment of the *judices*, were properly said *IN JURE FIERI*, after that, *IN JUDICIO*; but this distinction is not always observed.

After the *judex* or *judices* were appointed, the parties warned each other to attend the third day after, (*inter se in perendinum diem, ut ad judicium venirent, denunciabant*), which was called *COMPERENDINATIO* or *CONDICTIO*, *Ascon. in Cic.*; *Festus. Gell. xiv. 2.* But in a cause with a foreigner, the day was called *DIES STATUS*, *Macrob. Sat. i. 16.*; *STATUS condictus cum hoste* (i. e. cum peregrino, *Cic. Off. i. 32.*) *DIES*, *Plaut. Curc. i. 1. 5.*; *Gell. xvi. 4.*

VI. The Manner of Conducting the TRIAL.

When the day came, the trial went on, unless the judge, or some of the parties, was absent from a necessary

fary cause, (*ex morbo vel causa fontica*, Festus.) in which case the day was put off. (*DIFFISSUS EST*, i. e. *prolatus*, Gell. xiv. 2.)

If the judge was present, he first took an oath that he would judge according to law to the best of his judgement, (*EX ANIMI SENTENTIA*), Cic. Acad. 2. iv. 47. at the altar, (*aram tenens*, Cic. Flacc. 36.) called PUTEAL LIBONIS, or *Scribonianum*, because that place being struck with thunder, (*fulmine attactus*), had been expiated (*procuratus*) by Scribonius Libo, who raised over it a stone covering (*suggestum lapideum cavum*), like the covering of a well, (*putei operculum vel PUTEAL*), open at the top, (*superne apertum*, Festus.) in the *Ferrum*; near which the tribunal of the prætor used to be, Hor. Sat. ii. 6. v. 35.; Ep. i. 19. 8. and where the usurers met, Cic. Sext. 8.; Ovid. de Rem. Am. 561. It appears to have been different from the *Puteal*, under which the whetstone and razor of Attius Navius were deposited, Cic. de divin. i. 17. in the *comitium* at the left side of the senate-house, Liv. i. 36.

The Romans in solemn oaths used to hold a flint stone in their right hand, saying, *SI SCIENS FALLO, TUM ME DIESPITER, SALVA URBE ARCEQUE, BONIS EJICIAT, UT EGO HUNC LAPIDEM*, Festus in LAPIS. Hence *Jovem lapidem jurare*, for *per Jovem et lapidem*, Cic. Fam. vii. 1. 12.; Liv. xxi. 45. xxii. 53.; Gell. i. 21.

The *judex* or *judices* after having sworn, took their seats in the *subsellia*, (*quasi ad pedes prætoris*); whence they were called JUDICES PEDANEI.

The *judex*, especially if there was but one, assumed some lawyers to assist him with their counsel, (*sibi advocavit, ut in consilio adessent*, Cic. Quint. 2.; *in consilium rogavit*, Gell. xiv. 2.) whence they were called CONSILIARII, Suet. Tib. 33.; Claud. 12.

If any of the parties was absent without a just excuse, he was summoned by an edict. See p. 129.

If both parties were present, they first were obliged to swear, that they did not carry on the law-suit from a desire of litigation, (*CALUMNIAM JURARE, vel de calum-*
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nia), *Liv.* xxxiii. 49.; *Cic. Fam.* viii. 8. l. 16. *D. de jurej.* *Quod injuratus in codicem referre noluit, sc. quia falsum erat, id jurare in litem non dubitet, i. e. id sibi debere, jurejurando confirmare, litis obtinendæ causâ,* *Cic. in Rosc. Com.* 1.

Then the advocates were ordered to plead the cause, which they did twice, one after another, in two different methods, *Appian. de bell. civ.* i. p. 663, first briefly, which was called **CAUSÆ CONJECTIO**, *quasi causæ in breve COACTIO*, *Ascon. in Cic.* and then in a formal oration, (*justa oratione perorabant*, *Gell.* xvii. 2.) they explained the state of the cause, and proved their own charge (*actionem*) or defence (*infricationem vel exceptionem*), by witnesses and writings, (*testibus et tabulis*), and by arguments drawn from the case itself, (*ex ipsa re deductis*), *Cic. pro P. Quinct. et Rosc. Com.*; *Gell.* xiv. 2. and here the orator chiefly displayed his art, *Cic. de Orat.* ii. 42. 43. 44. 79. 81. To prevent them, however, from being too tedious, (*ne in immensum evagarentur*), it was ordained by the Pompeian law, in imitation of the Greeks, that they should speak to an hour-glass, (*ut ad CLEPSYDRAM dicerent, i. e. vas vitreum, graciliter fistulatum, in fundo cujus erat foramen, unde aqua guttatim efflueret, atque ita tempus metiretur; a water-glass, somewhat like our sand-glasses,* *Cic. de Orat.* iii. 34.). How many hours were to be allowed to each advocate, was left to the *judices* to determine, *Plin. Ep.* iv. 9. ii. 11. 14. i. 23. vi. 2. 5.; *Dial. de caus. corr. eloq.* 38. These glasses were also used in the army, *Veget.* iii. 8.; *Cæs. de bell. G.* v. 13.

The advocate sometimes had a person by him to suggest (*qui subjiceret*) what he should say, who was called **MINISTRATOR**, *Cic. de Orat.* ii. 75; *Flacc.* 22. A forward noisy speaker was called **RABULA**, (*a rabie, quasi LATRATOR*), vel *proclamator*, a brawler or wrangler, *Cic. de Orat.* i. 46.

When the judges heard the parties, they were said *iis OPERAM DARE*, l. 18. *pr. D. de judic.* How inattentive

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tive they sometimes were, we learn from Macrobius, *Saturn.* ii. 12.

VII. The MANNER of giving JUDGEMENT.

The pleadings being ended, (*causâ utrinque peroratâ*), judgement was given after mid-day, according to the law of the Twelve Tables, POST MERIDIEM PRÆSENTI (*etiamsi unus tantum præsens sit*) LITEM ADDICITO, i. e. decidito.

If there was any difficulty in the cause, the judge sometimes took time to consider it, (*diem diffindi*, i. e. *deferri jussit*, UT AMPLIUS DELIBERARET, *Ter. Phorm.* ii. 4. 17.); if, after all, he remained uncertain, he said (*dixit vel juravit*), MIHI NON LIQUET, I am not clear, *Gell.* xiv. 2. And thus the affair was either left undetermined, (*injudicata*), *Gell.* v. 10. or the cause was again resumed, (*secunda actio instituta est*), *Cic. Cæcin.* 2.

If there were several judges, judgement was given according to the opinion of the majority, (*sententia lata est de plurium sententia*); but it was necessary that they should all be present. If their opinions were equal, it was left to the prætor to determine, l. 28. 36. & 38. D. *de re jud.*

The sentence was variously expressed; in an action of freedom, thus, VIDERI SIBI HUNC HOMINEM LIBERUM; in an action of injuries, VIDERI JURE FECISSE vel NON FECISSE; in actions of contracts, if the cause was given in favour of the plaintiff, TITIUM SEIO CENTUM CONDEMNO; if in favour of the defendant, SECUNDUM ILLUM LITEM DO, *Val. Max.* ii. 8. 2.

An arbiter gave judgement, (*arbitrium pronunciavit*), thus, ARBITROR TE HOC MODO SATISFACERE ACTORI DEBERE: If the defendant did not submit to his decision, then the arbiter ordered the plaintiff to declare upon oath, at how much he estimated his damages, (*quanti litem æstimaret*), and then he passed sentence,

Y 2 — (*sententiam*)

(*sententiam tulit*), and condemned the defendant to pay him that sum; thus, CENTUM DE QUIBUS ACTOR IN LITEM JURAVIT, REDDE, l. 18. D. *de dolo malo*.

VIII. What followed after Judgement was given.

After judgement was given, and the law-suit was determined, (*lite dijudicata*), the conquered party was obliged to do or pay what was decreed, (JUDICATUM FACERE *vel* SOLVERE); and if he failed, or did not find securities (*sponsores vel vindices*), within thirty days, he was given up (JUDICATUS, i. e. *damnatus et addictus est*), by the prætor to his adversary, and led away (ABDUCTUS) by him to servitude, *Cic. Flacc.* 19.; *Liv.* vi. 14. 34. &c.; *Gell.* xx. 1. These thirty days are called in the Twelve Tables DIES JUSTI; REBUS JURE JUDICATIS, XXX. DIES JUSTI SUNTO, POST DEINDE MANUS INJECTIO ESTO, in JUS DUCITO. See p. 44.

After sentence was passed, the matter could not be altered; hence AGERE ACTUM, to labour in vain; *Cic. Amic.* 22.; *Att.* ix. 18.; *Ter. Phorm.* ii. 2. 72. *Actum est*; *acta est res*; *perii*, all is over, I am undone, *Ter. Andr.* iii. 1. 7.; *Adelph.* iii. 2. 7.; *Cic. Fam.* xiv. 3. *Actum est de me*, I am ruined, *Plaut. Pseud.* i. 1. 83. *De Servio actum rati*, that all was over with Servius, that he was slain, *Liv.* i. 47. So *Suet. Ner.* 42. *Actum* (i. e. *ratum*) *habebo quod egeris*, *Cic. Tusc.* iii. 21.

In certain cases, especially when any mistake or fraud had been committed, the prætor reversed the sentence of the judges, (*rem judicatam rescidit*), in which case he was said *Damnatos* IN INTEGRUM RESTITUERE, *Cic. Verr.* v. 6.; *Cluent.* 36.; *Ter. Phorm.* ii. 4. 11. or JUDICIA RESTITUERE, *Cic. Verr.* ii. 26

After the cause was decided, the defendant, when acquitted, might bring an action against the plaintiff for false accusation, (ACTOREM CALUMNIÆ POSTULARE),
Cic.

Cic. pro Cluent. 31. Hence CALUMNIA *litium*, i. e. *lites per calumniam intentæ*, unjust law-suits, *Cic. Mil.* 27.; *Calumniarum metum injicere*, of false accusations, *Suet. Cæs.* 20.; *Vitell.* 7.; *Domit.* 9. *Ferre calumniam*, i. e. *calumniæ convictum esse*, vel *calumniæ damnari* aut *de calumnia*, *Cic. Fam.* viii. 8.; *Gell.* xiv. 2. *Calumniam non effugiet*, he will not fail to be condemned for false accusation, *Cic. Cluent.* 59.—*Injurie existunt CALUMNIA*, i. e. *callidâ et malitiosâ juris interpretatione*, *Cic. Off.* i. 10. CALUMNIA *timoris*, the misrepresentation of fear, which always imagines things worse than they are, *Fam.* vi. 7. *Calumnia religionis*, a false pretext of, *Ibid.* i. 1. *calumnia dicendi*, speaking to waste the time, *Att.* iv. 3. CALUMNIA *paucorum*, detraction, *Sall. Cat.* 30.; *Cic. Acad.* iv. 1. So CALUMNIARI, *falsam litem intendere*, et *calumniator*, &c.

There was also an action against a judge, if he was suspected of having taken money from either of the parties, or to have wilfully given wrong judgement, (*dolo malo vel imperitiâ*). Corruption in a judge was, by a law of the Twelve Tables, punished with death; but afterwards as a crime of extortion, (*repetundarum*).

If a judge from partiality or enmity (*gratiâ vel inimicitia*), evidently favoured either of the parties, he was said LITEM SUAM FACERE, *Ulpian. Gell.* x. 1. Cicero applies this phrase to an advocate too keenly interested for his client, *de Orat.* ii. 75.

In certain causes the assistance of the tribunes was asked, (TRIBUNI APPELLABANTUR), *Cic. Quint.* 7. 20.

As there was an appeal (APPELLATIO) from an inferior to a superior magistrate, *Liv.* iii. 56. so also from one court or judge to another, (*ab inferiore ad superius tribunal*, vel *ex minore ad majorem judicem*, *prætextu iniqui gravaminis*, of a grievance, vel *injustæ sententiæ*), *Ulpian.* The appeal was said ADMITTI, RECIPi, NON RECIPi, REPUDIARI: He to whom the appeal was made, was said, DE vel EX APPELLATIONE COGNOSCERE, JUDICARE, SENTENTIAM DICERE, PRO-

NUNCIARE APPELLATIONEM JUSTAM *vel* INJUSTAM ESSE.

After the subversion of the republic, a final appeal was made to the emperor, both in civil and criminal affairs, *Suet. Aug.* 33.; *Act. apost.* 25. as formerly (*PROVOCATIO*) to the people in criminal trials, *Suet. Cæs.* 12.

At first this might be done freely, (*antea vacuum id solutumque penâ fuerat*), but afterwards under a certain penalty, *Tacit. Annal.* xiv. 28. Caligula prohibited any appeal to him, (*magistratibus liberam jurisdictionem, et sine sui provocatione concessit*), *Suet. Cal.* 16. Nero ordered all appeals to be made from private judges to the senate, *Suet. Ner.* 17. and under the same penalty as to the emperor, (*ut ejusdem pecuniæ periculum facerent, cujus ii, qui imperatorem appellavere*). *Tacit. ibid.* So Hadrian, *Digest.* xlix. 2. 2. Even the emperor might be requested by a petition (*LIBELLO*) to review his own decree, (*SENTENTIAM SUAM RETRACTARE*).

II. (*PUBLICA JUDICIA*), or CRIMINAL TRIALS.

Criminal trials were at first held (*exercebantur*) by the kings, *Dionys.* ii. with the assistance of a counsel, (*cum consilio*), *Liv.* i. 49. The king judged of great crimes himself, and left smaller crimes to the judgement of the senators.

Tullus Hostilius appointed two persons (*DUUMVIRI*) to try Horatius for killing his sister, (*qui Horatio perduellionem judicarent*), and allowed an appeal from their sentence to the people, *Liv.* i. 26. Tarquinius *Superbus* judged of capital crimes by himself alone, without any counsellors, *Liv.* i. 49.

After

After the expulsion of Tarquin, the consuls at first judged and punished capital crimes, *Liv. ii. 5. ; Dionys. v.* But after the law of Poplicola concerning the liberty of appeal, (See p. 114.) the people either judged themselves in capital affairs, or appointed certain persons for that purpose, with the concurrence of the senate, who were called QUÆSITORES, or *Quæstores parricidii*, (See p. 132.). Sometimes the consuls were appointed, *Liv. iv. 51.* Sometimes a dictator and master of horse, *Liv. ix. 26.* who were then called QUÆSITORES.

The senate also sometimes judged in capital affairs, *Sall. Cat. 51. 52.* or appointed persons to do so, *Liv. ix. 26.*

But after the institution of the *Quæstiones perpetuæ*, (See p. 132.) certain prætors always took cognisance of certain crimes, and the senate or people seldom interfered in this matter, unless by way of appeal, or on extraordinary occasions.

I. CRIMINAL TRIALS before the PEOPLE.

Trials before the people (*JUDICIA ad populum*), were at first held in the *Comitia Curiata*, *Cic. pro Mil. 3.* Of this, however, we have only the example of Horatius, *Ibid.*

After the institution of the *Comitia Centuriata* and *Tributa*, all trials before the people were held in them; capital trials, in the *Comitia Centuriata*, and concerning a fine, in the *Tributa*.

Those trials were called CAPITAL, which respected the life or liberty of a Roman citizen. There was one trial of this kind held in the *Comitia* by tribes, namely of Coriolanus, *Liv. ii. 35. ;* but that was irregular, and conducted with violence.

Sometimes a person was said to undergo a capital trial (*periculum capitis adire, causam capitis vel pro capite dicere*), in a civil action, when, besides the loss of fortune,

fortune, his character was at stake, (*cum judicium esset de fama fortunisque*), *Cic. pro Quint.* 9. 13. 15.; *Off.* i. 12.

The method of proceeding in both *Comitia* was the same; and it was requisite that some magistrate should be the accuser.

In the *Comitia Tributa* the inferior magistrates were usually the accusers, as, the *tribunes* or *ædiles*, *Liv.* iii. 56. iv. 21.; *Val. Max.* vi. 1. 7.; *Gell.* x. 6. In the *Comitia Centuriata*, the superior magistrates, as, the *consuls* or *prætors*; sometimes also the inferior, as, the *questors* or *tribunes*, *Liv.* ii. 41. iii. 24. 25. vi. 20. But they are supposed to have acted by the authority of the consuls.

No person could be brought to a trial, unless in a private station. But sometimes this rule was violated; *Cic. pro Flacc.* 3.; *Liv.* xliii. 16.

The magistrate who was to accuse any one, having called an assembly, and mounted the *Rostra*, declared that he would, against a certain day, accuse a particular person of a particular crime, and ordered that the person accused (*reus*) should then be present. This was called *DICERE DIEM*, sc. *accusationis*, vel *diei dictio*. In the mean time the criminal was kept in custody, unless he found persons to give security for his appearance; (*SPONSORES eum in judicio ad diem dictam sistendi, aut mulctam, qua damnatus esset, solvendi*), who, in a capital trial, were called *VADES*, *Liv.* iii. 13. xxv. 4. and for a fine, *PRÆDES*, *Gell.* vii. 19.

When the day came, the magistrate ordered the criminal to be cited from the *Rostra* by a herald, *Liv.* xxxviii. 51.; *Suet. Tib.* 11. If the criminal was absent without a valid reason, (*sine CAUSA SONTICA*), he was condemned. If he was detained by indisposition or any other necessary cause, he was said to be excused, (*EXCUSARI*), *Liv. ibid.* 52. and the day of the trial was put off, (*dies PRODICTUS vel productus est.*)

Any equal or superior magistrate might, by his negative, hinder the trial from proceeding, *Ibid.*

If

If the criminal appeared, (*se stitisset*), and no magistrate interceded, the accuser entered upon his charge, (*accusationem instituebat*), which was repeated three times, with the intervention of a day betwixt each, and supported by witnesses, writings, and other proofs. In each charge the punishment or fine was annexed, which was called ANQUISITIO. Sometimes the punishment at first proposed, was afterwards mitigated or increased. *In multa temperarunt tribuni; quum capitis anquisissent*, Liv. ii. 52. *Quum tribunus his pecuniâ anquisisset; tertio se capitis anquirere diceret, &c. Tum perduellionis se judicare Cn. Fulvio dixit*, that he prosecuted Fulvius for treason, Liv. xxvi. 3.

The criminal usually stood under the *Rostra* in a mean garb, where he was exposed to the scoffs and raileries (*probris et conviciis*) of the people, *Ibid.*

After the accusation of the third day was finished, a bill (ROGATIO) was published for three market-days, as concerning a law, in which the crime and the proposed punishment or fine was expressed. This was called MULCTÆ POENÆVE IRROGATIO; and the judgement of the people concerning it, MULCTÆ POENÆVE CERTATIO, *Cic. de legg. iii. 3.* For it was ordained, that a capital punishment and a fine should never be joined together, (*ne pœna capitis cum pecunia conjungeretur*), *Cic. pro Dom. 17. (Tribuni plebis omisâ multæ certatione, rei capitalis Posthumio dixerunt)*, Liv. xxv. 4.

On the third market-day, the accuser again repeated his charge; and the criminal, or an advocate (*patronus*) for him, was permitted to make his defence, in which every thing was introduced which could serve to gain the favour of the people, or move their compassion, *Cic. pro Rabir. ; Liv. iii. 12. 58.*

Then the *Comitia* were summoned against a certain day, in which the people by their suffrages should determine the fate of the criminal. If the punishment proposed was only a fine, and a tribune the accuser, he could summon the *Comitia Tributa* himself; but if the trial

trial was capital, he asked a day for the *Comitia Centuriata* from the consul, or in his absence, from the prætor, *Liv. xxvi. 3. xliii. 16.*

The criminal and his friends in the mean time used every method to induce the accuser to drop his accusation, (*accusatione desistere*). If he did so, he appeared in the assembly of the people, and said, SEMPRONIUM NIHIL MOROR, *Liv. iv. 42. vi. 5.* If this could not be effected, the usual arts were tried to prevent the people from voting, (See p. 92.) or to move their compassion, *Liv. vi. 20. xliii. 16.; Gell. iii. 4.*

The criminal laying aside his usual robe, (*toga alba*), put on a *sordid*, i. e. a ragged and old gown, (*sordidam et obsoletam*), not a mourning one (*pullam vel atram*), as some have thought, and in this garb went round and supplicated the citizens; whence *sordes* or *squalor* is put for guilt, and *sordidati* or *squalidi* for criminals. His friends and relations, and others who chose, did the same, *Cic. pro Sext. 14.* When Cicero was impeached by Clodius, not only the *equites*, and many young noblemen of their own accord, (*privato consensu*), but the whole senate, by public consent, (*publico consilio*), changed their habit (*vestem mutabant*) on his account, *Ibid. 11. 12.* which he bitterly complains was prohibited by an edict of the consuls, *c. 14.*

The people gave their votes in the same manner in a trial, as in passing a law, (See p. 96.) *Liv. xxv. 4.*

If any thing prevented the people from voting on the day of the *Comitia*, the criminal was discharged, and the trial could not again be resumed, (*si qua res illum diem aut auspiciis aut excusatione sustulit, tota causa iudiciumque sublatum est*), *Cic. pro Dom. 17.* Thus Metellus Celer saved Rabirius from being condemned, who was accused of the murder of Saturninus forty years after it happened, *Cic. pro Rabir.* by pulling down the standard, which used to be set up in the Janiculum, (See p. 87.) and thus dissolving the assembly, *Dio, 37.*

If the criminal was absent on the last day of his trial, when cited by the herald, he anciently used to be called by the sound of a trumpet, before the door of his house, from the citadel, and round the walls of the city, *Varr. de Lat. ling. v.* If still he did not appear, he was banished, (*exilium ei sciscabatur*); or if he fled the country through fear, his banishment was confirmed by the *Comitia Tributa*. See p. 103.

II. CRIMINAL TRIALS before INQUISITORS.

Inquisitors (*QUÆSITORES*) were persons invested with a temporary authority to try particular crimes. They were created first by the kings, *Liv. i. 26.* then by the people, usually in the *Comitia Tributa*, *iv. 51. xxxviii. 54.* and sometimes by the senate, *ix. 26.* In the trial of Rabirius, they were, contrary to custom, appointed by the prætor, *Dio, 37.; Suet. Caf. 12.*

Their number varied. Two were usually created, (*DUUMVIRI*), *Liv. vi. 20.* sometimes three, *Sall. Jug. 40.* and sometimes but one, *Ascon. in Cic. pro Mil.* Their authority ceased when the trial was over, (See p. 132.). The ordinary magistrates were most frequently appointed to be inquisitors; but sometimes also private persons, *Liv. passim.* There was sometimes an appeal made from the sentence of the inquisitors to the people, *Suet. Caf. 12.* Hence *Deferre judicium a subfelliis in rostra*, i. e. *a judicibus ad populum*, *Cic. Cluent. 6.*

Inquisitors had the same authority, and seem to have conducted trials with the same formalities and attendants, as the prætors did after the institution of the *Quæstiones perpetuæ*. To the office of *Quæstiores* Virgil alludes, *Æn. vi. 432.; Ascon. in Verr. ii.*

CRIMINAL TRIALS *before the* PRÆTORS.

The prætors at first judged only in civil causes; and only two of them in these, the prætor *Urbanus* and *Peregrinus*. The other prætors were sent to govern provinces. All criminal trials of importance were held by inquisitors, created on purpose.

But after the institution of the *Questiones perpetue*, A. U. 604, all the prætors remained in the city during the time of their office. After their election, they determined by lot their different jurisdictions.

Two of them took cognisance of private causes, as formerly, and the rest presided at criminal trials; one at trials concerning extortion, another at trials concerning bribery, &c. Sometimes there were two prætors for holding trials concerning one crime; as, on account of the multitude of criminals, concerning violence, *Cic. pro Cluent.* 53. Sometimes one prætor presided at trials concerning two different crimes, *Cic. pro Cæl.* 13. And sometimes the *Prætor Peregrinus* held criminal trials, as, concerning extortion, *Ascon. in Cic. in tog. cand.* 2.; so also, according to some, the prætor *Urbanus*.

The prætor was assisted in trials of importance by a counsel of select *judices* or jurymen; the chief of whom was called **JUDEX QUÆSTIONIS**, or *Princeps judicum*, *Cic. et Ascon.* Some have thought this person the same with the prætor or *quesitor*; but they were quite different, *Cic. pro Cluent.* 27. 33. 58.; *in Verr.* i. 61.; *Quintil.* viii. 3. The *judex quæstionis* supplied the place of the prætor when absent, or too much engaged.

I. *The Choice of the JUDICES or Jury.*

The JUDICES were at first chosen only from among the senators; then, by the *Sempronian* law of C. Gracchus, only from the *equites*; afterwards, by the *Servilian* law of Cæpio, from both orders; then, by the *Glaucian* law, only from the *equites*; by the *Livian* law of Drusus, from the senators and *equites*: But the laws of Drusus being soon after set aside by a decree of the senate, the right of judging was again restored to the *equites* alone: Then, by the *Plautian* law of Silvanus, the *judices* were chosen from the senators and *equites*, and some of them also from the plebeians; then by the *Cornelian* law of Sylla, only from the senators; by the *Aurelian* law of Cotta, from the senators, the *equites*, and *tribuni ærarii*; by the *Julian* law of Cæsar, only from the senators and *equites*; and by the law of Antony, also from the officers of the army. See *Manutius de legg.*; for *Sigonius*, and *Heineccius* who copies him, give a wrong account of this matter.

The number of the *judices* was different at different times: By the law of Gracchus, 300; of Servilius, 450; of Drusus, 600; of Plautius, 525; of Sylla and Cotta, 300, as it is thought from, *Cic. Fam. viii. 8.*; of Pompey, 360, *Paterc. ii. 76.* Under the emperors the number of *judices* was greatly increased, *Plin. xxxiii. 1.*

By the *Servilian* law, it behoved the *judices* to be above thirty, and below sixty years of age. By other laws it was required, that they should be at least twenty-five, *D. 4. 8.*; but Augustus ordered that *judices* might be chosen from the age of twenty, (*a vicesimo al-legit*), *Suet. Aug. 32.* as the best commentators read the passage.

Certain persons could not be chosen *judices*, either from some natural defect, as, *the deaf, dumb, &c.*; or by custom, as, *women* and *slaves*; or by law, as those condemned upon trial of some infamous crime, (*turpi et famoso judicio*, e. g. *calumnie, prævaricationis, furti,*

vi bonorum raptorum, injuriarum, de dolo malo, pro socio, mandati, tutelæ, depositi, &c.); and, by the Julian law, those degraded from being senators; which was not the case formerly, *Cic. Cluent.* 42. 43. See p. 6.

By the *Pompeian* law, the *judices* were chosen from among persons of the highest fortune.

The *judices* were chosen by the prætor *Urbanus* or *Peregrinus*, and their names written down in a list, (*in ALBUM RELATA vel albo descripta*), *Suet. Tib.* 51.; *Claud.* 16.; *Domit.* 8.; *Senec. de benef.* iii. 7.; *Gell.* xiv. 2. They swore to the laws, and that they would judge uprightly to the best of their knowledge, (*de animi sententia*).

They sat by the prætor on benches, whence they were called his *ASSESSORES*; thus, *decuria senatoria judicum*, *Cic. pro Cluent.* 37.; *tertia*, *Phil.* i. 8.; *Verr.* ii. 32.; *Sen. de benef.* iii. 7.; *Gell.* xiv. 2.

The *judices* were divided into *DECURIÆ*, according to their different orders; thus, *DECURIA SENATORIA*, *Cic. pro Cluent.* 37.; *Phil.* i. 8.; *Verr.* ii. 32. Augustus added a fourth *decuria*, *Suet.* 32. (because there were three before, either by the law of Antony, or of Cotta), consisting of persons of an inferior fortune, who were called *DUCENARII*, because they had only 200,000 sesterces, the half of the estate of an *eques*, and judged in lesser causes. Caligula added a fifth *decuria*, *Suet.* 16.; *Plin.* xxxiii. 1.

The office of a *judex* was thought troublesome, *Cic. in Verr.* i. 8. and therefore, in the time of Augustus, people declined it; but not so afterwards, when their number was greatly increased, *Suet. et Plin. ibid.* Galba refused to add a sixth *decuria*, although many asked him to do it, *Suet.* 14.

2. The ACCUSER in a CRIMINAL Trial.

Any Roman citizen might accuse another before the prætor. But it was reckoned dishonourable to become an accuser, unless for the sake of the republic, to defend

send a client, or to revenge a father's quarrel, *Cic. de Off.* ii. 14.; *Divinat.* 20. Sometimes young noblemen undertook the prosecution of an obnoxious magistrate, to recommend themselves to the notice of their fellow-citizens, *Cic. pro Cæl.* vii. 30.; *in Verr.* i. 38.; *Suet. Jul.* 4.

If there was a competition betwixt two or more persons, who should be the accuser of any one, as betwixt Cicero and Cecilius Judæus, which of them should prosecute Verres, who had been proprætor of Sicily, for extortion, it was determined who should be preferred by a previous trial, called *DIVINATIO*; because there was no question about facts, but the *judices*, without the help of witnesses, *divined* as it were what was fit to be done, *Cic. divin.* 20.; *Ascon. in Cic.*; *Gel.* ii. 4. He who prevailed, acted as the principal accuser, (*ACCUSATOR*); those who joined in the accusation, (*causæ vel accusationi subscribebant*), and assisted him, were called *SUBSCRIPTORES*, *Cic. divin.* 15.; *pro Mur.* 24.; *Fam.* viii. 8.; *ad Q. Fratr.* iii. 4.

It appears, however, there were public prosecutors of public crimes at Rome, *Cic. pro Sex. Rosc.* 20.; *Plin. Epist.* iii. 17. as in Greece, *Cic. de legg.* iii. 47.

Public informers or accusers (*delatores publicorum criminum*) were called *QUADRUPLATORES*, either because they received as a reward the fourth part of the criminal's effects, or of the fine imposed on him; or, as others say, because they accused persons, who, upon conviction, used to be condemned to pay fourfold, (*quadrupli damnari*); as, those guilty of illegal usury, gaming, or the like, *Cic. in Cæcil.* 7. & 22.; *et ibi Ascon. Paulus apud Festum.*; *Tacit. Annal.* iv. 20. But mercenary and false accusers or litigants (*CALUMNIATORES*) chiefly were called by this name, *Cic. Verr.* ii. 7. 8. & 9.; *Plaut. Pers.* i. 2. 10.; and also those judges, who making themselves parties in a cause, decided in their own favour, (*qui in suam rem litem vertebant; interceptores litis alienæ, qui sibi controversiosam adjudicarent rem*), *Liv.* iii. 72.; *Cic. Cæcin.* 23. Seneca calls those who

for small favours sought great returns, *Quadruplatores beneficiorum suorum*, over-rating or over-valuing them, *de benef.* vii. 25.

3. Manner of Making the Accusation.

The accuser summoned the person accused to court, (*in jus vocabat*), where he desired (*postulabat*) of the inquisitor that he might be allowed to produce his charge, (*nomen deferre*), and that the prætor would name a day for that purpose, *Cic. Fam.* viii. 6. Hence *Postulare aliquem de crimine*, to accuse.

This *postulatio* or request was sometimes made in the absence of the defendant, *Cic. ad Fratr.* iii. 1. 5. There were certain days on which the prætor attended to these requests, when he was said *POSTULATIONIBUS VACARE*, *Plin. Epist.* vii. 33.

On the day appointed, both parties being present, the accuser first took (*concepibat*) a solemn oath, that he did not accuse from malice, (*CALUMNIAM JURABAT*), and then the accusation was made (*delatio nominis fiebat*) in a set form; thus, *DICO vel AIO, TE IN PRÆTURA SPOLIASSE SICULOS CONTRA LEGEM CORNELIAM, ATQUE EO NOMINE SESTERTIUM MILLIES A TE REPETO*, *Cic. divin.* 5.

If the criminal was silent or confessed, an estimate of damages was made out, (*lis ei æstimabatur*), and the affair was ended; but if he denied, the accuser requested (*postulavit*) that his name might be entered in the roll of criminals, (*ut nomen inter reos reciperetur*, i. e. *ut in tabulam inter reos referretur*), and thus he was said *REUM facere; legē v. legibus interrogare, postulare: MULCTAM aut pœnam petere et repetere*.

If the prætor allowed his name to be inrolled, (for he might refuse it, *Cic. Fam.* viii. 8.), then the accuser delivered to the prætor a scroll or tablet, (*LIBELLUS*), accurately written, mentioning the name of the defendant, his crime, and every circumstance relating to

to the crime, which the accuser subscribed, or another for him, if he could not write; at the same time binding himself to submit to a certain punishment or fine, if he did not prosecute and prove his charge. (*cavebat se in crimine perseveraturum usque ad sententiam*).

There were certain crimes which were admitted to be tried in preference to others, (*extra ordinem*), as, concerning violence or murder. And sometimes the accused brought a counter charge of this kind against his accuser, to prevent his own trial, *Cic. Fam. viii. 8*.

Then the prætor appointed a certain day for the trial, usually the tenth day after, *Cic. ad Q. Fratr. ii. 13*; *Ascon. in Cornel.* sometimes the 30th, as by the *Licinian* and *Julian* laws, *Cic. in Vat. 14*. But in trials for extortion the accuser required a longer interval. Thus Cicero was allowed 110 days, that he might go to Sicily in order to examine witnesses, and collect facts to support his indictment against Verres, although he accomplished it in fifty days, *Ascon. in loc.*; *Cic. Verr.*; *Att. prim. 2*.

In the mean time the person accused changed his dress, (See p. 90.) and sought out persons to defend his cause.

Of defenders (DEFENSORES), *Asconius* mentions four kinds; *PATRONI* vel *oratores*, who pleaded the cause; *ADVOCATI*, who assisted by their counsel and presence; *PROCURATORES*, who managed the business of a person in his absence; and *COGNITORES*, who defended the cause of a person when present, *Ascon. in Verr. i*. But a *cognitor* might also defend the cause of a person when absent, *Horat. Sat. ii. 5. v. 38*. The *procuratores*, however, and *cognitores* were used only in private trials; the *patroni* and *advocati*, in public. Before the civil wars, one rarely employed more than four patrons or pleaders, but afterwards often twelve, *Ascon. in Cic. pro Scaur.*

4. *Manner of Conducting the Trial.*

On the day of the trial, if the prætor could not attend, the matter was put off to another day. But if he was present, both the accuser and defendant were cited by a herald. If the defendant was absent, he was exiled, (*absenti irrogabatur exilium*). But if the accuser was absent, the name of the defendant was taken from the roll of criminals; (*de reis exemptum est*), *Ascon. in Cic.*

But if both were present, the *judices* or jury were first chosen, either by lot or by naming, (*per SORTITIONEM vel EDITIONEM*), according to the nature of the crime, and the law by which it was tried. If by lot, the prætor or *judex questionis* put into an urn the names of all those who were appointed to be *judices* for that year, and then took out by chance (*sorte educebat*) the number which the law prescribed. After which the defendant and accuser were allowed to reject such as they did not approve, and the prætor or *judex questionis* substituted (*subsortiebatur*) others in their room, till the legal number was completed, *Cic. in Verr. Act. i. 6.*; *Ascon. in Cic.*

Sometimes the law allowed the accuser and defendant to chuse the *judices*, in which case they were said *JUDICES EDERE*, and the *judices* were called *EDITITII*, *Cic. pro Muren. 23.*; *Planc. 15. 17.* Thus by the *Servilian* law of *Glaucia* against extortion, the accuser was ordered to name from the whole number of *judices* an hundred, and from that hundred the defendant to chuse fifty. By the *Licinian* law, *de sodalitiis*, the accuser was allowed to name the jury from the people at large, *Cic. pro Planc. 17.*

The *judices* or jury being thus chosen, were cited by a herald. Those who could not attend, produced their excuse, which the prætor might sustain (*accipere*) or not, as he pleased, *Cic. Phil. v. 5.*

When

When they were all assembled, they swore to the laws, and that they would judge uprightly, *Cic. pro Rosc. Am.* 3. Then their names were marked down in a book (*libellis consignabantur*), and they took their seats (*subsellia occupabant*), *Ascon. in Verr.* 11.

The trial now began, and the accuser proceeded to prove his charge, which he usually did in two actions, (*duabus actionibus*). In the first action, he produced his evidence or proofs, and in the second, he enforced them.

The proofs were of three kinds, the declarations of slaves extorted by torture, (*QUÆSTIONES*), the testimony of free citizens, (*TESTES*), and writings, (*TABULÆ*).

1. *QUÆSTIONES*. The slaves of the defendant were demanded by the prosecutor to be examined by torture in several trials, chiefly for murder and violence. But slaves could not be examined in this manner against their master's life (*in caput domini*), except in the case of incest, or a conspiracy against the state, *Cic. Topic.* 34.; *Mil.* 22.; *Dejot.* 1.

The slaves of others also were sometimes demanded to be examined by torture; but not without the consent of their master, and the accuser giving security, that if they were maimed or killed during the torture, he would make up the damage.

When slaves were examined by torture, they were stretched on a machine, called *ECULEUS* or *Equuleus*, having their legs and arms tied to it with ropes, (*fidelis*, *Suet. Tib.* 62. 6. 33.) and being raised upright, as if suspended on a cross, their members were distended by means of screws, (*per cochleas*), sometimes till they were dislocated, (*ut ossium compago resolveretur*); hence *Eculeo longior factus*, *Senec. epist.* 8. To increase the pain, plates of red-hot iron, (*laminae candentes*), pincers, burning pitch, &c. were also applied to them. But some give a different account of this matter.

The confessions of slaves extorted by the rack, were marked down on tables, which they sealed up till they were

were produced in court, *Cic. Mil.* 22. Private persons also sometimes examined slaves by torture, *Cic. pro Cluent.* 63. 66.

Masters frequently manumitted their slaves, that they might be exempted from this cruelty, *Liv.* viii. 15.; *Cic. Mil.* 21.; for no Roman citizen could be scourged nor put to the rack, *Cic. Verr.* v. 63.

2. TESTES. Free citizens gave their testimony upon oath, (*jurati*). The form of interrogating them was, SEXTE TEMPANI, QUÆRO EX TÈ, ARBITRERISNE, *C. Sempronium in tempore pugnant inisse?* *Liv.* iv. 40. The witness answered, ARBITROR VEL NON ARBITROR, *Cic. Acad.* iv. 47.; *pro Font.* 9.

Witnesses were either voluntary or involuntary, *Quintil.* v. 7. With regard to both, the prosecutor was said, TESTES DARE, *adhibere, citare, colligere, edere, producere, proferre, subornare, vel PRODUCERE, Cic. Verr.* i. 18. v. 63.; *Juv.* xvi. 29. &c. TESTIBUS UTI, *Cic. Rosc. Am.* 36. With regard to the latter, IIS TESTIMONIUM DENUNCIARE, to summon them under a penalty, as in England, by a writ called a SUBPOENA, *Cic. ibid.* 38.; *in Verr.* i. 19. The prosecutor only was allowed to summon witnesses against their will, *Quintil.* v. 7. and of these a different number by different laws, *Val. Max.* viii. 1.; *Frontin. de limit.* 5. usually no more than ten, *D. de testib.*

Witnesses were said TESTIMONIUM DICERE, *dare, perhibere, præbere*, also, *pro testimonio audiri*, *Suet. Claud.* 15. The phrase DEPOSITIONES *testium*, is not used by the classics, but only in the civil law. Those previously engaged to give evidence in favour of any one, were called ALLIGATI, *Cic. ad Fratr.* ii. 3.; *Isidor.* iv. 23.

Persons might give evidence, although absent, by writing, (*per tabulas*); but it was necessary that this should be done voluntarily, and before witnesses, (*præsentibus SIGNATORIBUS*), *Quintil.* v. 7.

The character and condition of witnesses were particularly attended to, (*diligenter expendebantur*), *Cic. pro Flacc.* 5.

No one was obliged to be a witness against a near relation or friend, by the *Julian* law, *l. 4. D. de testib.* and never (*more majorum*) in his own cause, (*de re sua*), *Cic. Rosc. Am.* 36.

The witnesses of each party had particular benches in the *Forum*, on which they sat, *Cic. pro Q. Rosc.* 13.; *Quinctil.* v. 7.

Great dexterity was shewn in interrogating witnesses, *Cic. pro Flacc.* 10.; *Donat. in Terent. Eunuch.* iv. 4. v. 33.; *Quinctil.* v. 7.

Persons of an infamous character were not admitted to give evidence, (*testes non adhibiti sunt*), and therefore were called **INTESTABILES**, *Plaut. Curcul.* i. 1. v. 30.; *Horat. Sat.* ii. 3. v. 181.; *Gell.* vi. 7. vii. 18. as those likewise were, who being once called as witnesses, (*anteflati*, v. *in testimonium adhibiti*), afterwards refused to give their testimony, *Gell.* xv. 13. Women anciently were not admitted as witnesses, *Gell.* vi. 7. but in after times they were.

A false witness, by the law of the Twelve Tables, was thrown from the *Tarpeian* rock, *Gell.* xx. 1. but afterwards the punishment was arbitrary, *l. 16. D. de testib. et SENT.* v. 25. § 2. except in war, where a false witness was beaten to death with sticks by his fellow-soldiers, *Polyb.* vi. 35.

3. **TABULÆ.** By this name were called writings of every kind, which could be of use to prove the charge; particularly account-books, (*tabulae accepti et expensi*), letters, bills or bonds, (*syngraphæ*), &c.

In a trial for extortion, the account-books of the person accused were commonly sealed up, and afterwards at the trial delivered to the judges for their inspection, *Cic. Verr.* i. 23. 61.; *Balb.* 5. The ancient Romans used to make out their private accounts, (*tabulas sc. accepti et expensi conficere vel domesticas rationes scribere*), and keep them with great care; but many dropped this custom, after the laws ordered a man's papers to be sealed up, when he was accused of certain crimes, and produced in court as evidences against him, *Cic. Verr.* i. 23.

39.; *Rosc. Com.* i.; *Cæl.* 7.; *Att.* xii. 5.; *Tusc.* v. 33.; *Suet. Cæs.* 47.

The prosecutor having produced these different kinds of evidence, explained and enforced them in a speech, sometimes in two or more speeches, *Cic. in Verr.* Then the advocates of the criminal replied; and their defence sometimes lasted for several days, *Ascon. in Cic. pro Cornel.* In the end of their speeches (*in epilogo vel peroratione*), they tried to move the compassion of the judges, and for that purpose often introduced the children of the criminal, *Cic. pro Sext.* 69.

In certain causes persons were brought to attest the character of the accused, called LAUDATORES, *Cic. pro Balb.* 18.; *Cluent.* 69.; *Fam.* i. 9.; *Suet. Aug.* 56. If one could not produce at least ten of these, it was thought better to produce none, (*quam illum quasi legitimum numerum consuetudinis non explere*), *Cic. Verr.* v. 22. Their declaration, or that of the towns from which they came, was called LAUDATIO, *ibid.* which word commonly signifies a funeral oration delivered from the *Rostra* in praise of a person deceased, by some near relation, *Cic. de Orat.* ii. 84.; *Liv.* v. 50.; *Suet. Cæs.* vi. 84.; *Aug.* 101.; *Tib.* 6.; *Tacit. Annal.* v. 1. xvi. 6. by an orator or chief magistrate, *Plin. Ep.* ii. 1.

Each orator, when he finished, said DIXI; and when all the pleadings were ended, a herald called out, DIXERUNT, vel -ERE, *Ascon. in Cic.*; *Donat. in Ter. Phorm.* ii. 3. 90. & sc. 4.

Then the prætor sent the judges to give their verdict, (*in consilium mittebat, ut sententiam ferrent vel dicerent*), *Cic. Verr.* i. 9.; *Cluent.* 27. 30. upon which they rose and went to deliberate for a little among themselves, *Ibid.* Sometimes they passed sentence (*sententias ferebant*) *vivâ voce* in open court, but usually by ballot. The prætor gave to each *judex* three tablets; on one was written the letter C, for *condemno*, I condemn; on another, the letter A, for *absolvo*, I acquit; and on a third, N. L. *non liquet*, sc. *mibi*, I am not clear. Each of the judges threw which of these tablets he thought proper

proper into an urn. There was an urn for each order of judges : one for the *senators*, another for the *equites*, and a third for the *tribuni ærarii*, Cic. ad Q. Fratr. ii. 6.

The prætor, having taken out and counted the ballots, pronounced sentence according to the opinion of the majority, (*ex plurium sententia*), in a certain form. If a majority gave in the letter C, the prætor said, *VIDETUR FECISSE*, guilty, Cic. Verr. v. 6.; Acad. iv. 47. If the letter A, *NON VIDETUR FECISSE*, not guilty. If N. L. the cause was deferred, (*CAUSA AMPLIATA EST*), *Ascon. in Cic.*

The letter A was called *LITERA SALUTARIS*, and C, *litera TRISTIS*, Cic. Mil. 6. Among the Greeks, the condemning letter was Σ, because it was the first letter of *θάνατος*, death; hence called *mortiferum*, Martial. vii. 36. and *nigrum*, Pers. Sat. 4. v. 13. Their acquitting letter is uncertain.

It was anciently the custom to use white and black pebbles (*lapilli vel calculi*) in voting at trials, *Mos erat antiquis niveis atrisque lapillis, His damnare reos, illis absolvere culpâ*, Ovid. Met. xv. 41. Hence *causa paucorum calculorum*, a cause of small importance, where there were few judges to vote, *Quintil. viii. 3. Omnis calculus inमितem demittitur ater in urnam*, He is condemned by all the judges, Ovid. *ibid. v. 44. Reportare calculum deterioorem*, to be condemned; *melioerem*, to be acquitted, *Corp. Juris. Errori album calculum adjicere*, to pardon or excuse, *Plin. Epist. i. 2.* To this Horace is thought to allude, *Sat. ii. 3. 246. Cretâ an carbone notandi?* are they to be approved or condemned? and *Persius, Sat. v. 108.*; but more probably to the Roman custom of marking in their kalendar unlucky days with black, (*carbone*, with charcoal; whence *dies atrî* for *infæusti*), and lucky days with white, (*cretâ vel cressâ notâ*, with chalk, *Horat. Od. i. 36.* called *CRETA*, or *terra Cressa vel Cretica*, because it was brought from that island): Hence *notare vel signare diem lacteâ gemmâ vel albâ*, *melioribus lapillis, vel albis calculis*, to mark a day

as fortunate, *Martial.* viii. 45. ix. 53. xi. 37.; *Perf. Sat.* ii. 1. This custom is said to have been borrowed from the Thracians or Scythians, who every evening, before they slept, threw into an urn or quiver a white pebble, if the day had passed agreeably; but if not, a black one: And at their death by counting the pebbles, their life was judged to have been happy or unhappy, *Plin.* vii. 40. To this *Martial* beautifully alludes, xii. 34.

The Athenians, in voting about the banishment of a citizen who was suspected to be too powerful, used shells, (*ὄστρακα, testæ vel testulæ*), on which those who were for banishing him wrote his name, and threw each his shell into an urn. This was done in a popular assembly; and if the number of shells amounted to 6000, he was banished for ten years (*testarum suffragiis*) by an OSTRACISM, as it was called, *Nep. in Themist.* 8.; *Aristid.* i.; *Cim.* 3.

When the number of judges who condemned, and of those who acquitted was equal, the criminal was acquitted, *Cic. Cluent.* 27. (See p. 97.) CALCULO MINERVÆ, by the vote of Minerva, as it was termed; because when Orestes was tried before the *Areopagus* at Athens for the murder of his mother, and the judges were divided, he was acquitted by the determination (*sententiâ*) of that goddess, *Cic. pro Mil.* 3.; *et ibi Lambin.*

While the *judices* were putting the ballots into the urn, the criminal and his friends threw themselves at their feet, and used every method to move their compassion, *Valer. Max.* viii. 1. 6.; *Ascon. in Cic.*; *pro M. Scauro.*

The prætor when about to pronounce a sentence of condemnation, used to lay aside his *toga prætexta*, *Plutarch. in Cic.*

In a trial for extortion, sentence was not passed after the first action was finished; that is, after the accuser had finished his pleading, and the defender had replied; but the cause was a second time resumed, (*causa iterum dicebatur vel agebatur*), after the interval of a day, or sometimes

sometimes more, (especially if a festival intervened, as in the case of Verres, *Cic. Verr. i. 7.*) which was called **COMPERENDINATIO**, or *-atus, -tus*, *Cic. Verr. i. 9.*; et *Ascon. ibi, &c.* Then the defender spoke first, and the accuser replied; after which sentence was passed. This was done, although the cause was perfectly clear, by the *Glaucian* law; but before that, by the *Acilian* law criminals were condemned after one hearing, (*semel dictâ causâ, semel auditis testibus*). *Ibid.*

When there was any obscurity in the cause, and the *judices* were uncertain whether to condemn or acquit the criminal, which they expressed by giving in the tablets, on which the letters *N. L.* were written, and the prætor, by pronouncing **AMPLIUS**, *Cic. ibid.* the cause was deferred to any day the prætor chose to name. This was called **AMPLIATIO**, and the criminal or cause was said *ampliari*; which sometimes was done several times, and the cause pled each time anew, *Cic. Brut. 22. Bis ampliatu tertio absolutus est reus*, *Liv. xliii. 2.* So *iv. 44. Causa L. Cottæ septies ampliata, et ad ultimum octavo judicio absoluta est*, *Valer. Max. viii. 1. 11.* Sometimes the prætor, to gratify the criminal or his friends, put off the trial till he should resign his office, and thus not have it in his power to pass sentence (*ne diceret jus*) upon him, *Liv. xlii. 22.*

If the criminal was acquitted, he went home and resumed his usual dress, (*sordido habitu posito, albam togam resumebat*).

If there was ground for it, he might bring his accuser to a trial for false accusation, (**CALUMNIÆ**), or for what was called **PRÆVARICATIO**; that is, betraying the cause of one's client, and by neglect or collusion assisting his opponent, *Cic. Topic. 36.*; *Plin. Epist. i. 20. iii. 9.*; *Quintil. ix. 2.*

PRÆVARICARI, comp. of *præ* et *varicò*, *v. -or*, (from *varus*, bow or bandy-legged, *crura incurva habens*), signifies properly to straddle, to stand or walk wide, with the feet too far removed from one another, not to go straight, (*arator, nisi incurvus, prævaricatur, i. e. non*

A a

rectum

rectum sulcum agit, vel a recto sulco divertit, Plin.). Hence, to shuffle, to play fast and loose, to act deceitfully, (*in contrariis causis quasi variè esse positus, Cic. ibid.*).

If the criminal was condemned, he was punished by law according to the nature of his crime.

5. Different Kinds of Punishments among the Romans.

Punishments among the Romans were of eight kinds.

1. **MULCTA** vel *damnum*, a fine, which at first never exceeded thirty oxen and two sheep, or the valuation of them. See *Lex ATERIA, Liv. iv. 30*. But afterwards it was increased.

2. **VINCULA**, bonds, which included public and private custody; *public*, in prison, into which criminals were thrown after confession or conviction, *Cic. de divin. i. 25.*; *Tacit. iii. 51.*; and *private*, when they were delivered to magistrates, or even to private persons, to be kept at their houses (*in libera custodia*, as it was called), till they should be tried, *Sallust. Cat. 47.*; *Liv. xxxix. 14.*; *Tacit. vi. 3*.

A prison (**CARCER**) was first built by Ancus Martius, *Liv. i. 33*. and enlarged by Servius Tullius; whence that part of it below ground built by him was called **TULLIANUM**, *Sall. Cat. 55.*; *Varr. de Lat. ling. iv.* or **LAUTUMIÆ**, i. e. *loca ex quibus lapides excisi sunt*, *Fest. in voce. Liv. xxvi. 27. xxxii. 26. xxxvii. 3. xxxix. 44.* in allusion to a place of the same kind built by Dionysius at Syracuse, *Cic. Verr. v. 27. 55*. Another part, or as some think the same part, from its security and strength, was called **ROBUR** or *robis*, *Festus in voce.*; *Liv. xxxviii. 59.*; *Valer. Max. vi. 3.*; *Tacit. Annal. iv. 29*.

Under the name of *vincula* were comprehended *catenæ*, chains; *compedes* vel *pedicæ*, fetters or bonds for the feet; *manicæ*, manacles or bonds for the hands; **NERVUS**, an iron bond or shackle for the feet or neck, *Festus*

in voce. Also a wooden frame with holes, in which the feet were put and fastened, the *stocks*; sometimes also the hands and neck; called likewise COLUMBAR, *Plaut. Rud.* iii. 6. 50.; *Liv.* viii. 28. *Boia*, leathern thongs, and also iron chains, for tying the neck or feet, *Plaut. Asin.* iii. 3. 5.

3. VERBERA, beating or scourging, with sticks or staves, (*fustibus*); with rods, (*virgis*); with whips or lashes, (*flagellis*). But the first were in a manner peculiar to the camp, where the punishment was called FUSTUARIUM, and the last to slaves, *Horat. Epod.* 4.; *Cic. Rabir. perd.* 4.; *Juv.* x. 109.; *Cic. Verr.* iii. 29. Rods only were applied to citizens, and these too were removed by the *Porcian* law, *Liv.* x. 9.; *Sallust. Cat.* 51.; *Cic. ibid.* But under the emperors citizens were punished with these and more severe instruments, as with whips loaded with lead, (*palumbatis*), &c.

4. TALIO, (*similitudo supplicii vel vindictæ, hostimentum*), a punishment similar to the injury, an eye for an eye, a limb for a limb, &c. But this punishment, although mentioned in the Twelve Tables, seems very rarely to have been inflicted, because by law the removal of it could be purchased by a pecuniary compensation, (*talio vel pœna redimi poterat.*) *Gell.* xx. 1.

5. IGNOMINIA vel Infamia. Disgrace or infamy was inflicted (*inurebatur vel irrogabatur*), either by the censors, or by law and by the edict of the prætor. Those made *infamous* by a judicial sentence, were deprived of their dignity, and rendered incapable of enjoying public offices, sometimes also of being witnesses, or of making a testament; hence called INTERSTABILES, *Digest.*

6. EXILIUM, banishment. This word was not used in a judicial sentence, but AQUÆ ET IGNIS INTERDICTIO, forbidding one the use of fire and water, whereby a person was banished from Italy, but might go to any other place he chose. Augustus introduced two new forms of banishment, called DEPORTATIO, perpetual banishment to a certain place; and RELEGATIO, either a temporary or perpetual banishment of a

person to a certain place, without depriving him of his rights and fortunes. See p. 68.

7. **SERVITUS**, slavery. Those were sold as slaves, who did not give in their names to be inrolled in the censor's books, or refused to enlist as soldiers; because thus they were supposed to have voluntarily renounced the rights of citizens, *Cic. Cæcin.* 34. See p. 67.

8. **MORS**, death, was either *civil* or natural. Banishment and slavery were called a *civil* death. Only the most heinous crimes were punished by a violent death.

In ancient times it seems to have been most usual to hang malefactors, (*infelici arbori suspendere*), *Liv.* i. 26. afterwards, to scourge (*virgis cadere*) and behead them, (*securi percutere*), *Liv.* ii. 5. vii. 19. xxvi. 15.; to throw them from the Tarpeian rock, (*de saxo Tarpeio dejicere*), *Id.* vi. 20. or from that place in the prison called **ROBUR**, *Festus.*; *Val. Max.* vi. 31.; also to strangle them (*laqueo gulam, guttur, vel cervicem frangere*), in prison, *Id.* v. 4. 7.; *Sallust. Cat.* 55.; *Cic. Vatin.* 11.; *Lucan.* ii. 154.

Under the emperors, several new and more severe punishments were contrived; as, exposing to wild beasts, (*ad bestias damnatio*), burning alive, (*vivicomburium*), &c.

Slaves after being scourged, (*sub furca cæsi*), were crucified, (*in crucem acti sunt*).

A person guilty of parricide, that is, of murdering a parent or any near relation, after being severely scourged, (*sanguineis virgis cæsus*), was sewed up in a sack, (*culeo insutus*), with a dog, a cock, a viper, and an ape, and then thrown into the sea or a deep river, *Cic. pro Rosc. Amer.* ii. 25. 26.

RELIGION of the Romans.

I. The GODS whom they Worshipped.

These were very numerous, and divided into *Dii majorum gentium*, and *Minorum gentium*, in allusion to the division of senators. See p. 2.

The *DII MAJORUM GENTIUM* were the great celestial deities, and those called *DII SELECTI*.

The great celestial deities were twelve in number:

1. *JUPITER*, (*Zeus Πατερ*) the king of gods and men; the son of *Saturn* and *Rhea* or *Ops*, the goddess of the earth; born and educated in the island *Crete*; supposed to have dethroned his father, and to have divided his kingdom with his brothers; so that he himself obtained the air and earth, *Neptune* the sea, and *Pluto* the infernal regions,—usually represented as sitting on an ivory throne, holding a sceptre in his left hand, and a thunder-bolt (*fulmen*) in his right, with an eagle; and *Hebe*, the daughter of *Juno* and goddess of youth, or the boy *Ganymēdes*, the son of *Tros*, his cup-bearer, (*pincerna* vel *poecillator*), attending on him, called *JUPITER FERETRIUS*, *ELICIUS*, *STATOR*, *CAPITOLINUS*, *TAPPEIUS*, *LATIALIS*, *DIESPITER*, (*diēi et lucis pater*), *OPTIMUS MAXIMUS*, *OLYMPICUS*, *SUMMUS*, &c. *Sub Jove frigido, sub dio*, under the cold air, *Horat. Od. i. 1. 25. ii. 3. 23. Dextro Jove*, by the favour of *Jupiter*, *Perf. v. 114.*

2. *JUNO*, the wife and sister of *Jupiter*, queen of the gods, the goddess of marriage and of child birth;—called *Juno regina* vel *regia*; *Pronūba*, *Matrona*, *Lucina*, (*quod lucem nascentibus daret*), *Moneta* (*a monendo*) represented in a long robe (*stola*) and magnificent dress; sometimes sitting or standing in a light car drawn by peacocks, attended by the *AURÆ* or air nymphs, and

by IRIS, the goddess of the rainbow. *Junone secundâ*, by the favour of, *Virg. Æn. iv. 45.*

3. MINERVA or PALLAS, the goddess of wisdom; hence said to have sprung from the brain of Jupiter by the stroke of Vulcan; also of war and of arms; said to be the inventress of spinning and weaving, (*lanificii et textura*), of the olive, and of warlike chariots;—called *Armipotens*, *Tritonia virgo*, because she was first seen near the lake *Tritônis* in Africa; *Attica* vel *Cecropia*, because she was chiefly worshipped at Athens;—represented as an armed virgin, beautiful, but stern and dark-coloured, with azure or sky-coloured eyes, (*glauco oculis*, γλαυκῶπις Ἀθήνη), shining like the eyes of a cat or an owl, (γλαύχ, νος, *noctua*); having an helmet on her head, and a plume nodding formidably in the air; holding in her right hand a spear, and in her left a shield, covered with the skin of the goat *Amalthœa*, by which she was nursed, (hence called *ÆGIS*), given her by Jupiter; in the middle of which was the head of the Gorgon *Medusa*, a monster with snaky hair, which turned every one who looked at it into stone.

There was a statue of Minerva, (*PALLADIUM*), supposed to have fallen from heaven, which was religiously kept in her temple by the Trojans, and stolen from thence by Ulysses and Diomêdes. *Tolerare colo vitam tenuique Minervâ*, i. e. *lanificio non quæstusoso*, by spinning and weaving, which bring small profit, *Virg. Æn. viii. 409.* *Invitâ Minervâ*, i. e. *adversante et repugnante naturâ*, against nature or natural genius, *Cic. Off. i. 31.* *Agere aliquid pingui Minervâ*, simply, bluntly, without art, *Cic. Abnormis sapiens, crassâque Minervâ*, a philosopher without rules, and of strong rough common sense, *Hor. Sat. ii. 2.* *Sus Minervam*, sc. *docet*, a proverb against a person, who pretends to teach those who are wiser than himself, or to teach a thing of which he himself is ignorant, *Cic. 3 Fesť.*

4. VESTA, the goddess of fire. Two of this name are mentioned by the poets; one the mother, and the other the daughter of Saturn, who are often confounded:

ed: But the latter chiefly was worshipped at Rome. In her sanctuary was supposed to be preserved the *Palladium* of Troy, (*fatale pignus imperii Romani*), Liv. xxvi. 27.; and a fire kept continually burning by a number of virgins, called the *Vestal Virgins*.

5. CERES, the goddess of corn and husbandry, the sister of Jupiter; worshipped chiefly at *Eleusis* in Greece, and in Sicily: her sacred rites were kept very secret.—She is represented with her head crowned with the ears of corn or poppies, and her robes falling down to her feet, holding a torch in her hand. She is said to have wandered over the whole earth, in quest of her daughter *Proserpina*, who was carried off by Pluto. PLUTUS, the god of riches, is supposed to be the son of Ceres.

Ceres is called *Legifera*, the lawgiver, because laws were the effect of husbandry.

Ceres is often put for corn or bread; as, *Sine Cerere et Baccho friget Venus*, without bread and wine love grows cold, *Terent*.

6. NEPTUNE, the god of the sea and brother of Jupiter;—represented with a trident in his right hand, and a dolphin in his left; one of his feet resting on part of a ship; his aspect majestic and serene: Sometimes in a chariot drawn by sea-horses, with a Triton on each side. His wife was *Amphitrite*.

Besides Neptune, there were other sea-gods and goddesses; *Oceanus*, and his wife *Tethys*; *Nereus*, and his wife *Doris*, the *Neræides*, *Thetis*, *Doto*, *Galatæa*, &c. *Triton*, *Proteus*, *Portunus*, the son of *Matuta* or *Aurora* and *Glaucus*, *Ino*, *Palæmon*, &c.

7. VENUS, the goddess of love and beauty, said to have been produced from the foam of the sea, near the island *Cythæra*; according to others, the daughter of Jupiter and *Dione*, the wife of Vulcan; worshipped chiefly at Paphos in Cyprus, and at Eryx in Sicily; hence called *Cypris*, *Dea Paphia*, *Erycina*, &c.

The attendants of Venus were her son CUPID; or rather the Cupids, for there were many of them; but
two.

two most remarkable, one (*Eros*) who caused love, and the other (*Anteros*) who made it cease, or produced mutual love; painted with wings, a quiver, bow, and darts: The three GRACES, *Aglaia* or *Pasithea*, *Thalia*, and *Euphrosyne*, represented generally naked, with their hands joined together; and NYMPHS, dancing with the Graces, and *Venus* at their head.

8. VULCANUS vel *Mulciber*, the god of fire and of smiths; the son of Jupiter and Juno, and husband of *Venus*; represented as a lame blacksmith, hardened from the forge, with a fiery red face whilst at work, and tired and heated after it. He is generally the subject of pity or ridicule to the other gods, as a cuckold and lame.

Vulcan is said to have had his work-shop (*officina*) chiefly in Lemnos, and in the Æolian or *Lipari* islands near Sicily, or in a cave of Mount Ætna. His workmen were the *Cyclopes*, giants with one eye in their forehead, who were usually employed in making the thunderbolts of Jupiter.

9. MARS or *Mavors*, the god of war, and son of Juno; worshipped by the Thracians, Getæ, and Scythians, and especially by the Romans, as the father of Romulus, their founder, called *Gradivus* (*a gradiendo*); —painted with a fierce aspect, riding in a chariot, or on horseback, with an helmet and a spear.

BELLONA, the goddess of war, was the wife or sister of Mars.

A round shield (ANCILE) is said to have fallen from heaven in the reign of Numa, supposed to be the shield of Mars; which was kept with great care in his temple, as a symbol of the perpetuity of the empire, by the priests of Mars, who were called SALII; and that it might not be stolen, eleven others were made quite like it, (*ancilia*, -ium, vel -orum).

The animals sacred to Mars were the horse, wolf, and the wood-pecker (*picus*). *Mars* is often, by a metonymy, put for war or the fortune of war; thus, *Æquo, vario, ancipite, incerto Marte pugnatum est*, with equal,

equal, various, doubtful success; *Mars communis*, the uncertain events of war, *Cic.*; *Accendere Martem cantu*, i. e. *pugnam vel milites ad pugnam tubâ; collato Marte et eminus pugnare; invadunt Martem clypeis*, i. e. *pugnam ineunt*, *Virg.* *Nostro Marte aliquid peragere*, by our own strength, without assistance, *Cic.* *Verecundia erat, equitem suo alienoque Marte pugnare*, on horseback and on foot, *Liv.* iii. 62.

10. MERCURIUS, the son of Jupiter and Maia, the daughter of Atlas; the messenger of Jupiter and of the gods; the god of eloquence; the patron of merchants and of gain, whence his name, (according to others, *quasi Medicurrius, quod medius inter deos et homines currebat*); the inventor of the lyre and of the harp; the protector of poets or men of genius, (*Mercurialium virorum*), of musicians, wrestlers, &c.; the conductor of souls or departed ghosts to their proper mansions; also the god of ingenuity and of thieves, called *Cyllenius*, v. *Cyllenia proles*, from *Cyllene*, a mountain in Arcadia on which he was born; and *Tegeus*, from *Tegea*, a city near it.

The distinguishing attributes of Mercury are his *Petäsus*, or winged cap; the *Talaria*, or winged sandals for his feet; and a *Caduceus*, or wand (*virga*) with two serpents about it, in his hand; sometimes as the god of merchants, a purse, (*marsupium*).

Images of Mercury (*HERMÆ trunci*, shapeless posts with a marble head of Mercury on them, *Juv.* viii. 53.) used to be erected where several roads met (*in compitis*), to point out the way; on sepulchres, in the porches of temples and houses, &c. *Ex quovis ligno non fit Mercurius*.

11. APOLLO, the son of Jupiter and Latona, born in the island Delos; the god of poetry, music, medicine, augury, and archery; called also *Phœbus* and *Sol*. He had oracles in many places, the chief one at *Delphi* in Phocis; called by various names from the places where he was worshipped; *Cynthius*, from *Cynthus* a mountain in Delos; *Patæreus*, or *-aus*, from *Patära*, a city

city in Lycia; *Thymbræus*, *Gryneus*, &c.; also *Pythius*, from having slain the serpent *Python*, (*vel a πυθιδά, quod consuleretur*).

Apollo is usually represented as a beautiful beardless young man, with long hair, (hence called *intonfus et crinītus*), holding a bow and arrows in his right hand, and in his left a lyre or harp. He is crowned with laurel, which was sacred to him, as were the hawk and raven among the birds.

The son of Apollo was *ÆSCULAPIUS*, the god of physic, worshipped formerly at *Epidaurus* in *Argolis*, under the form of a serpent, or leaning on a staff, round which a serpent was entwined:—represented as an old man, with a long beard, dressed in a loose robe, with a staff in his hand.

Connected with Apollo and Minerva were the nine *MUSES*, said to be the daughters of Jupiter and *Mnemosyne* or memory; *Calliōpe*, the muse of heroic poetry; *Clio*, of history; *Melpomēne*, of tragedy; *Thalia*, of comedy and pastorals; *Erato*, of love-songs and hymns; *Euterpe*, of playing on the flute; *Terpsichōre*, of the harp; *Polyhymnia*, of gesture and delivery, also of the three stringed instrument called *Barbitos*, *vel-on*; and *Urania*, of astronomy.

The muses frequented the mountains *Parnassus*, *Helicon*, *Piërus*, &c.; the fountains *Castalius*, *Aganippe*, or *Hypocrene*, &c.; whence they had various names.

12. *DIANA*, the sister of Apollo, goddess of the woods and of hunting; called *Diana* on earth, *Luna* in heaven, and *Hecate* in hell; hence *tergemina*, *diva tri-formis*, *Tria virginis ora Diana*, Virg. Also *Lucina*, *Illithya*, et *Genitalis*, because she assisted women in child-birth; *Noctilūca*, and *siderum regina*, Horat. *Trivia*, from her statues standing where three ways met.

Diana is represented as a tall beautiful virgin, with a quiver on her shoulder, and a javelin or a bow in her right hand, chasing deer or other animals.

The DII SELECTI were Eight in Number.

1. SATURNUS the god of time; the son of *Cælus* or *Urānus*, and *Terra* or *Vesta*.

Titan his brother resigned the kingdom to him on this condition, that he should rear no male offspring. On which account he is feigned by the poets to have devoured his sons as soon as they were born. But *Rhea* found means to deceive him, and bring up by stealth Jupiter and his two brothers.

Saturn being dethroned by his son Jupiter, fled into Italy, and gave name to *Latium*, from his lurking there, (*a latendo*). He was kindly received by Janus king of that country. Under Saturn is supposed to have been the golden age, when there was an intercourse betwixt the gods and men upon earth; which ceased in the brazen and iron ages, when even the virgin *Astræa*, or goddess of justice, herself, who remained on earth longer than the other gods, at last provoked by the wickedness of men left it. *Ovid. Met. i. 150.*

Saturn is painted as a decrepit old man, with a scythe in his hand, or a serpent biting off its own tail.

2. JANUS, the god of the year, who presided over the gates of heaven, and also over peace and war. He is painted with two faces, (*bifrons vel biceps*). His temple was open in time of war, and shut in time of peace. A street in Rome, contiguous to the *Forum*, where bankers lived, was called by his name, *Janus summus ab imo*, *Horat. Ep. i. 1. 54.* Thorough-fares (*transitiones perviæ*) from him were called *Jani*, and the gates at the entrance of private houses, *Januæ*. *Cic.*

3. RHEA, the wife of Saturn; called also *Ops*, *Cybèle*, *Magna Mater*, *Mater Deorum*, *Berecynthia*, *Idæa*, and *Dindymène*, from three mountains in Phrygia: She was painted as a matron, crowned with towers, (*turrita*), sitting in a chariot drawn by lions.

Cybèle,

Cybèle, or a sacred stone called by the inhabitants the Mother of the gods, was brought from *Pessinus* in Phrygia to Rome, in the time of the second Punic war, *Liv. xxix. 11. & 14.*

4. **PLUTO**, the brother of Jupiter and king of the infernal regions; called also *Orcus*, *Jupiter infernus* et *Stygius*. The wife of Pluto was **PROSERPINA**, the daughter of *Ceres*, whom he carried off as she was gathering flowers in the plains of *Enna* in Sicily; called *Juno inferna* or *Stygia*, often confounded with *Hecate* and *Luna* or *Diana*; supposed to preside over sorceries or incantations, (*veneficiis præesse*).

There were many other infernal deities, of whom the chief were the **FATES** or *Destinies*, (**PARCÆ**, a *parcendo*, vel *per* **ANTIPHRASIN**, *quod nemini parcant*), the daughters of *Jupiter* and *Themis*, or of *Erebus* and *Nox*, three in number; *Clotho*, *Lachæsis*, and *Atræpos*, supposed to determine the life of men by spinning; *Clotho* held the distaff, *Lachæsis* span, and *Atræpos* cut the thread: The **FURIES**, (*Furiæ* vel *Diræ*, *Eumenides* vel *Erinnyes*), also three in number, *Alecto*, *Tisiphône*, and *Megara*; represented with wings and snakes twisted in their hair, holding in their hands a torch and a whip to torment the wicked; **MORS** vel *Lethum*, death; **SOMNUS**, sleep, &c.

5. **BACCHUS**, the god of wine, the son of *Jupiter* and *Semèle*; called also *Liber*, because wine frees the minds of men from care; described as the conqueror of *India*; represented always young, crowned with vine or ivy leaves, sometimes with horns, holding in his hand a *thyrsus* or spear bound with ivy; his chariot was drawn by tigers, lions, or lynxes, attended by *Silênus* his nurse and preceptor, *Bacchanals* (frantic women, *Bacchæ*, *Thyades* vel *Menades*), and satyrs.

The sacred rites of *Bacchus* (*Bacchanalia*, **ORGIA** vel *Dionysia*), were celebrated every third year, (hence called *trieterica*), in the night time, chiefly on *Cithæron* and *Ismenus* in *Bœotia*, on *Isnârus*, *Rhodôpe*, and *Edon*, in *Thrace*.

PRIAPUS,

PRIAPUS, the god of gardens, was the son of Bacchus and of Venus.

6. SOL, the sun, the same with Apollo; but sometimes also distinguished, and then supposed to be the son of *Hyperion*, one of the *Titans* or giants produced by the earth; who is also put for the sun.

Sol was painted in a juvenile form, having his head surrounded with rays, and riding in a chariot drawn by four horses, attended by the *Horæ* or four seasons, *Ver*, the spring; *Æstas*, the summer; *Autumnus*, the autumn; and *Hiems*, the winter, *Ovid. Met. ii. 25*.

The sun was worshipped chiefly by the Persians under the name of *Mithras*.

7. LUNA, the moon, as one of the *Dii Selecti*, was the daughter of *Hyperion*, and sister of *Sol*. Her chariot was drawn only by two horses.

8. GENIUS, the *demon* or tutelary god, who was supposed to take care of every one from his birth during the whole of life.

Places and cities, as well as men, had their particular *Genii*.

It was generally believed that every person had two *Genii*, the one good, and the other bad. *Defraudare genium suum*, to pinch one's appetite, *Ter. Phorm. i. 1. 10. Indulgere genio*, to indulge it, *Perf. v. 151*.

Nearly allied to the *Genii* were the *LARES* and *PENATES*, household-gods, who presided over families.

The *Lares* of the Romans appear to have been the *manes* of their ancestors; *Virg. Æn. ix. 255*. Small waxen images of them, clothed with the skin of a dog, were placed round the hearth in the hall, (*in atrio*). On festivals they were crowned with garlands, and sacrifices offered to them, *Juven. xii. 89.*; *Suet. Aug. 31*. There were not only *Lares domestici et familiares*, but also *Compitales et viales, militares et marini*, &c.

The *Penates* (*sive a penu; est enim omne quo vescuntur homines*, *PENUS*; *sive quod penitus insident*, *Cic. Nat. D. ii. 27.*; *Dii per quos penitus spiramus*, *Macrobian. Sat. iii. 4.*; *Idem ac Magni Dii, Jupiter, Juno, Minerva*, *Serv.*

ad Virg. *Æn.* ii. 296.) were worshipped in the innermost part of the house, which was called *Penetralia*; also *Impluvium* or *Compluvium*, Cic. et Suet. Aug. 92. There were likewise *Publici Penates*, worshipped in the Capitol, Liv. iii. 17. under whose protection the city and temples were. These *Æneas* brought with him from Troy, Virg. *Æn.* ii. 293. 717. iii. 148. iv. 598. Hence *Patrii Penates*, *familiaresque*, Cic. pro Dom. 57.

Some have thought the *Lares* and *Penates* the same; and they seem sometimes to be confounded, Cic. P. *Quinct.* 26. & 27.; *Verr.* iv. 22. They were, however, different. The *Penates* were of divine origin; the *Lares* of human. Certain persons were admitted to the worship of the *Lares*, who were not to that of the *Penates*. The *Penates* were worshipped only in the innermost part of the house, the *Lares* also in the public roads, in the camp, and on sea.

Lar is often put for a house: *Apto cum lare fundus*, Horat. Od. i. 12. 44. So *Penates*; thus, *Nostriis succedat Penatibus hospes*, Virg. *Æn.* viii. 123.

DII MINORUM GENTIUM, or *Inferior Gods.*

These were of various kinds:

1. *Dii INDIGETES*, or heroes ranked among the gods on account of their virtue and merits; of whom the chief were,

HERCULES, the son of *Jupiter* and *Alcmene*, the wife of *Amphitryon*, king of Thebes; famous for his twelve labours and other exploits; squeezing two serpents to death in his cradle; killing the lion in the *Nemæan* wood, the *hydra* of the lake *Lerna*, the boar of *Erymanthus*, the brazen-footed stag on mount *Manâlus*, the harpies in the lake of *Stymphâlus*, *Diomêdes* and his horses who were fed on human flesh, the wild bull in the island *Crete*, cleansing the stables of *Augeas*, subduing the Amazons and Centaurs, dragging the dog *Cerberus*

berus from hell, carrying off the oxen of the three-bodied *Geryon* from Spain, fixing pillars in the *fretum Gaditanum*, or Streights of Gibraltar, bringing away the golden apples of the *Hesperides*, and killing the dragon which guarded them, slaying the giant *Anteus*, and the monstrous thief *Gacus*, &c.

Hercules was called *Alcides* from *Alcæus* the father of *Amphitryon*, and *Tirynthius*, from *Tiryns*, the town where he was born or educated; *Octæus*, from mount *Oëte*, where he died, &c.

Hercules is represented of prodigious strength, holding a club in his right hand, and clothed in the skin of the *Nemæan* lion.

Men used to swear by *Hercules* in their asseverations; *Hercle*, *Mehercle*, or *Mehercule*, vel -es; or under the title of **DIUS FIDIUS**, i. e. *Deus fidei*, the god of faith or honour; thus, *per Dium Fidium*, *Plaut.*; *me Dius fidius*, sc. *juvet*.

Hercules was supposed to preside over treasures; hence *Dives amico Hercule*, *Horat. Sat. ii. 6. 12.*; *dextro Hercule*, by the favour of *Hercules*, *Pers. ii. 11.*

CASTOR and **POLLUX**, sons of *Jupiter* and *Leda*, the wife of *Tyndærus* king of *Sparta*; the gods of mariners, because their constellation was much observed at sea:—called *Tyndaridæ*, *Gemini*, &c. *Castor* was remarkable for riding, and *Pollux* for boxing:—represented as riding on white horses, with a star over the head of each, and covered with a cap; hence called **FRATRES PILEATI**, *Festus. Catull. 35.*

ÆNEAS, called *Jupiter Indiges*; and *Romulus*, **QUIRINUS**, after being ranked among the gods, either from *Quiris*, a spear, or *Cures*, a city of the *Sabines*, *Ovid.*

The Roman emperors also after their death were ranked among the gods.

2. There were certain gods called **SEMONES**, (*quasi semihomines, minores diis et majores hominibus*), *Liv. viii. 20.*; as,

PAN, the god of shepherds, the inventor of the flute; said to be the son of *Mercury* and *Penelope*, Cic. worshipped chiefly in *Arcadia*; hence called *Arcadius* and *Manalius*, vel *-ides et Lyceus*, from two mountains there; *Tegeæus*, from a city, &c. called by the Romans *Inuus*.—represented with horns and goat's feet.

Pan was supposed to be the author of sudden frights or causeless alarms; from him called *Panici terrores*.

FAUNUS and SYLVANUS, supposed to be the same with *Pan*. The wife or daughter of Faunus was *Fauna* or *Fatua*, called also *Marica* and *Bona Dea*.

There were several rural deities called FAUNI, who were believed to occasion the night mare, (*ludibria noctis vel ephialten immittere*); *Plin.* xxv. 4.

VERTUMNUS, who presided over the change of seasons and merchandise;—supposed to transform himself into different shapes. Hence *Vertumnis natus iniquis*, an inconstant man, *Horat. Sat.* ii. 7. 14.

POMONA, the goddess of gardens and fruits; wife of Vertumnus.

FLORA, the goddess of flowers; called *Cloris* by the Greeks.

TERMINUS, the god of boundaries.

PALES, a god or goddess, who presided over flocks and herds; usually feminine.

HYMENÆUS, the god of marriage.

LAVERNA, the goddess of thieves.

VACUNA, who presided over vacation, or respite from business.

AVERRUNCUS, the god who averted mischiefs, (*mala averruncabat*).—There were several of these.

FASCINUS, who prevented fascination or enchantment.

ROBIGUS, the god, and *Rubigo*, the goddess who preserved corn from blight, (*a rubigine*).

MEPHITIS, the goddess of bad smells: CLOACINA, of the *cloacæ*, or common sewers.

Under the *Semones* were comprehended the NYMPHS, (*nymphæ*), female deities, who presided over all parts of the

the earth; Over mountains, *Oreädes*; woods, *Dryädes*, *Hamadryädes*, *Napææ*; rivers and fountains, *Naiädes* vel *Näiädes*; the sea, *Nerëides*, *Oceanitides*, &c.

The judges in the infernal regions, MINOS, *Æacus*, and *Rhadamanthus*: CHARON, the ferryman of hell, who conducted the souls of the dead in a boat over the rivers *Styx* and *Acheron*, and exacted from each his *portorium* or freight, (*naulum*), which he gave an account of to Pluto; hence called PORTITOR: the dog CERBERUS, a three-headed monster, who guarded the entrance of hell.

The Romans also worshipped the virtues and affections of the mind, and the like; as, *Piety*, *Faith*, *Hope*, *Concord*, *Fortune*, *Fame*, &c. *Juvenal*, i. 115.; and under the emperors likewise foreign deities; as, *Isis*, *Osiris*, *Anubis*, of the Egyptians;—also the winds and tempests; *Eurus*, the east wind; *Auster* or *Notus*, the south wind; *Zephyrus*, the west wind; *Boreas*, the north wind; *Africus*, the south-west; *Corus*, the north-east: and *ÆOLUS*, the god of winds, who was supposed to reside in the *Lipari* islands, hence called *Insulæ Æoliæ*. AURÆ, the air-nymphs or sylphs, &c.

MINISTRI SACRORUM, or *Ministers of Sacred Things*.

The ministers of religion among the Romans, did not form a distinct order from the other citizens. (See p. 108.) They were usually chosen from the most honourable men in the state.

Some of them were common to all the gods, (*omnium deorum sacerdotes*); others appropriated to a particular deity, (*uni alicui numini addicti*). Of the former kind were,

I. PONTIFICES, (*a posse facere, quia sacra faciebant; vel potius a ponte publico faciendō et resciendo, Varro*), whose office it was to judge and determine about all sacred things. Their chief was called *Pontifex*

Maximus; which office, after the subversion of the republic, was always held by the emperors.

II. **AUGURES** vel *Auspices*, whose office it was to foretell future events, from the flight, chirping, or feeding of birds, (ex *avium garritu et spectione*, (See p. 90.) &c. The chief of the augurs was called *Magister collegii*; for the different divisions of priests when taken together, were all called *Collegia*; thus, *Collegium Pontificum*, *Augurum*, &c. The augurs wore a purple robe called *Trabea*; hence, *Bibaphum*, i. e. *purpuram bis tinctam*, *cogitare*, to desire to be made an augur, *Cic. Fam. ii. 16.*; *Bibapho vestire*, to make one, *Att. ii. 9.* They held in their hand a crooked staff called *Lituus*, with which they marked out the parts of the heavens. The place where the augur stood was called *arx*, because it was generally elevated. He always looked towards the east. The appearances on the left (*sinistrâ* vel *lavâ*), or north were for the most part esteemed lucky, (*fausta* vel *felicia*), *Virg. Æn. ii. 693.* *Festus*. on the right or south, unlucky; but not always so, *Virg. Ecl. i. 18. ix. 15.*; *Suet. Claud. 7.*; *Vitell. 9.* The place in the heavens or the earth marked out by the augur for making his observations, was called *Templum*.

A place struck with thunder was called *Bidental*, because it was expiated (*procurabatur*) by sacrificing a sheep, (*bidentem* vel *ovem*).

The Romans took omens (*omina captabant*) also from quadrupeds crossing the way or appearing in an unaccustomed place, (*Juven. xiii. 62.*; *Horat. Od. iii. 27.*; *Liv. xxi. ult. xxii. 1.*) from sneezing, (*ex sternutatione*), spilling salt on the table, and other accidents of that kind, which were called *DIRA*, sc. *signa*, or *DIRÆ*, *Cic. de divinat. i. 16.* These the augurs explained, and taught how they should be expiated. When they did so, they were said *commentari*, *Cic. Amic. 2.*

If the omen was good, the phrase was, *IMPETRITUM, INAUGURATUM EST*, *Plaut. Asin. ii. 1. 11.* and hence it was called *Augurium impetrativum* vel *optatum*, *Serv. in Virg. Æn. v. 190.*

III. **ARU-**

III. ARUSPICES vel *Haruspices* et *extispices*, (*a victimis aut extis victimarum in ara inspiciendis; vel ab haruga, hostia vel victima*), who examined the victims and their entrails after they were sacrificed, and from thence derived omens of futurity.

IV. QUINDECENVIRI *sacris faciundis*, who had the charge of the sibylline books, inspected them by the appointment of the senate in dangerous junctures, and performed the sacrifices which they enjoined. It belonged to them in particular to celebrate the secular games, *Horat. de carm. sac. 70.; Tacit. Annal. ii. 11. vi. 12.*

V. SEPTEMVIRI *epulonum*, who prepared the sacred feasts at games, processions, and other solemn occasions. They acted as assistants to the *Pontifices*.

VI. FRATRES *Ambarvales*, twelve in number, who offered up sacrifices for the fertility of the ground, (*ut arva fruges ferrent*), which were called *Sacra Ambarvalia*, because the victim was carried round the fields, (*arva ambiebat*). Their office was for life, as that of the augurs; but of none other of the priests. They wore a crown made of the ears of corn, (*corona spicea*), and a white woollen wreath around their temples, (*insula alba*), *Gell. vi. 17.*

INFULÆ erant filamenta lanea, quibus sacerdotes et hostiæ, templaque velabantur, *Festus*. The *insulæ* were broad woollen bandages tied with ribbands, (*vittæ*), *Virg. G. iii. 487.; Æn. 10. 538; Ovid. Pont. iii. 2. 74.* used not only by priests to cover their heads, *Cic. Verr. iv. 50.; Lucan. v. 142.* but also by suppliants, *Cæs. B. C. ii. 12.; Liv. xxiv. 30. xxv. 25.; Tacit. Hist. i. 66.*

VII. CURIONES, the priests, who performed the public sacred rites in each curia, thirty in number. See p. 1.

VIII. FECIALES vel *Fetiales*, sacred persons employed in declaring war and making peace. The *Fecialis*, who took the oath in name of the Roman people in concluding a treaty of peace, was called *Pater Patratus*;

tratus, (quod jusjurandum pro toto populo patrabat, i. e. *præstabat vel peragebat*), Liv. i. 24.

IX. *SODALES Titii vel Titienses*, priests appointed by Titus Tatius to preserve the sacred rites of the Sabines; or by Romulus in honour of Tatius himself, *Tacit. Annal.* i. 54.; *Hist.* ii. 95.

X. *REX Sacrorum*, vel *Rex sacrificulus*, a priest appointed after the expulsion of Tarquin, to perform the sacred rites, which the kings themselves used formerly to perform; an office of small importance, and subject to the *Pontifex Maximus*, as all the other priests were.

The PRIESTS of Particular Gods.

The priests of particular gods were called *FLAMINES*, from a cap (a *filo vel pileo*), which they wore on their head. The chief of these were,

Flamen DIALIS, the priest of Jupiter, who was distinguished by a lictor, *fella curulis*, and *toga prætexta*; and had a right from his office of coming into the senate, *Liv.* xxvii. 8. *Flamen MARTIALIS*, the priest of Mars; *QUIRINALIS*, of Romulus, &c. These three were always chosen from the patricians. The emperors also, after their consecration, had each of them their *Flamines*, and likewise colleges of priests who were called *Sodales*.

SALII, the priests of Mars, twelve in number; so called, because they used to go through the city dancing, carrying each of them one of the *Ancilia*, or shields of Mars, and singing songs, which in the time of Horace could scarcely be understood, *Horat. Epist.* ii. 1. 16.

LUPERCI, the priests of Pan; so called (*a lupo*) from a wolf, because that god was supposed to keep the wolves from the cattle: Hence the place where he was worshipped was called *Lupercal*, and his festival *Lupercalia*, which was celebrated in February; at which time the *Luperci* ran up and down the city naked, with only

only a girdle of goat's skin round their waist, and thongs of the same in their hands, with which they struck those they met.

FOTITII and PINARII, the priests of Hercules. GALLI, the priests of *Cybèle* or *Cybēbe*, the mother of the gods; their chief, *Archigallus*.

VIRGINES VESTALES, the priestesses of Vesta, who kept the sacred fire in her temple always burning. They were chosen (*capiebantur*) by the *Pontifex Maximus*, and held in the highest respect. If any of them violated her vow of chastity, she was buried alive in a place called the *Campus Sceleratus*, and her paramour was scourged to death in the *Forum*. They might, however, marry after serving thirty years; but this rarely happened. The eldest of them was called *Virgo Maxima*.

The SERVANTS of the Priests.

The priests who had children, employed them to assist in performing sacred rites; but those who had no children, procured free-born boys and girls to serve them; the boys to the age of puberty, and the girls till they were married. These were called *Camilli* and *Camillæ*.

Those who took care of the temples were called *Æditui* or *Æditumni*; those who brought the victims to the altar and slew them, *Poræ*, *Victimarii*, and *Cultrarii*; musicians, *Tibicines*, *Tubicines*, *Fidicines*, &c.

The PLACES and RITES of Sacred Things.

The places dedicated to the worship of the gods were called temples, (*TEMPLA*, *fana*, *delubra*, *sacraria*, *ædes sacræ*), and consecrated by the augurs; hence called *Augusta*. A temple built by Agrippa in the time of Augustus,

Augustus, and dedicated to all the gods, was called *Panthœon*.

A small temple or chapel was called *Sacellum* or *Edicula*. A wood or thicket of trees consecrated to religious worship, was called *Lucus*, a grove.

The worship of the gods consisted chiefly in prayers, vows, and sacrifices.

Those who prayed, stood usually with their heads covered, (*capite velato vel aperto*), looking towards the east; a priest pronounced the words before them, (*verba precabat*); they frequently touched the altars or the knees of the images of the gods; turned themselves round in a circle, (*in gyrum se convertebant*), *Liv.* v. 21. sometimes put their right hand to their mouth, (*dextram ori admovebant*; whence *adoratio*), and also prostrated themselves on the ground, (*procumbebant aris advoluti*).

The ancient Romans used with the same solemnity to offer up vows, (*VOVERE*, *vota facere*, *suscipere*, *concupere*, *nuncupare*, &c.). They vowed temples, games, thence called *Iudi votivi*, sacrifices, gifts, a certain part of the plunder of a city, &c. Also what was called *VER SACRUM*, that is; all the cattle which were produced from the first of March to the end of April, *Liv.* xxii. 9. 10. xxxiv. 44. In this vow among the Samnites, men were included. *Festus* in Mamertini.

Sometimes they used to write their vows in paper or waxen tablets, to seal them up, (*obsignare*), and fasten them with wax to the knees of the images of the gods; that being supposed to be the seat of mercy: Hence *Genua incerare deorum*, *Juven.* x. 55.

When the things for which they offered up vows were granted, the vows were said *valere*, *esse rata*, &c.; but if not, *cadere*, *esse irrita*, &c.

The person who made vows was said, *esse voti reus*; and when he obtained his wish, (*voti compos*), *voti damnatus*, till he performed his vow, *Macrob. Sat.* iii. 2. Hence *reddere et solvere vota*, to perform. *Pars prædæ debita*, *Liv.*; *debili vel meriti honores*, *merita dona*, &c.

Those

Those saved from shipwreck used to hang up their cloaths in the temple of Neptune, with a picture (*tabula votiva*) representing the circumstances of their danger and escape, *Virg. xii. 768. ; Horat. Od. i. 5.*

Thanksgivings (*gratiarum actiones*) used always to be made to the gods for benefits received, and upon all fortunate events.

When a general had obtained a signal victory, a thanksgiving (*SUPPLICATIO* vel *supplicium*) was decreed by the senate to be made in all the temples; and what was called a *LECTISTERNUM*, when couches were spread (*lecti vel pulvinaria sternebantur*), for the gods as if about to feast, and their images taken down from their pedestals, and placed upon them round the altars, which were loaded with the richest dishes. Hence *Ad omnia pulvinaria sacrificatum*, *Liv. xxii. 1. ; supplicatio decreta est*, *Cic. Cat. iii. 10.*

In sacrifices it was requisite that those who offered them should come chaste and pure; that they should bathe themselves; be dressed in white robes, and crowned with the leaves of that tree, which was thought most acceptable to the god whom they worshipped: Sometimes also in the garb of suppliants, with dishevelled hair, loose robes, and barefooted. Vows and prayers were always made before the sacrifice.

It was necessary that the animals to be sacrificed (*hostiæ* vel *victimæ*, *Ovid. Fast. i. 335.*) should be without spot and blemish, (*decoræ et integræ* vel *intactæ*, never yoked in the plough), and therefore they were chosen from a flock, approved by the priests, and marked with chalk, *Juven. x. 66.*; whence they were called *egregiæ*, *eximie*, *lectæ*. They were adorned with fillets and ribbands (*insulis et vittis*) and crowns, and their horns gilt.

The victim was led to the altar by the *Pope*, with their clothes tucked up and naked to the waist, (*qui succincti erant et ad ilia nudi*, *Suet. Calig. 32.*), with a slack rope, that it might not seem to be brought by force, which was reckoned a bad omen. For the same reason

reason it was allowed to stand loose before the altar; and it was a very bad omen if it fled away.

Then after silence was ordered, (See p. 177.) a salted cake (*mola salsa*, vel *fruges salse*, Virg. *Æn.* ii. 133. *Far et mica salis*, Ovid. Horat. i. c. *Far tostum, comminutum, et sale mistum*, bran or meal mixed with salt), was sprinkled (*inspergebatur*) on the head of the beast, and frankincense and wine poured betwixt its horns, the priest having first tasted the wine himself, and given it to be tasted by those that stood next him, which was called LIBATIO, Serv. in Virg. iv. 57, &c. and thus the victim was said *esse macta*, i. e. *magis aucta*: Hence *immolare et mactare*, to sacrifice; for the Romans carefully avoided words of a bad omen; as, *cedere, jugulare*, &c.). The priest plucked the highest hairs betwixt the horns, and threw them into the fire; which were called LIBAMINA PRIMA, Virg. *Æn.* vi. 246.

The victim was struck by the *cultrarius* with an ax or a mallet, (*malleo*), Suet. Calig. 32. by the order of the priest, whom he asked thus, AGONE? and the priest answered, Hoc AGE, Suet. Calig. 58. Then it was stabbed (*jugulabatur*) with knives; and the blood being caught (*excepta*) in goblets was poured on the altar. It was then flayed and dissected. Sometimes it was all burnt, and called HOLOCAUSTUM, (*ex ὅλως, totus, et καίω, uro*); Virg. vi. 253. but usually only a part; and what remained was divided betwixt the priests and the person who offered the sacrifice.

The person who cut up the animal, and divided it into different parts, was said *profecare exta*, Liv. v. 21.; Plaut. Pœn. ii. 1. 8. and the entrails thus divided were called PROSICIÆ or PROSECTA.

Then the *aruspices* inspected the entrails, (*exta consulebant*), Virg. iv. 64. And if the signs were favourable, (*si exta bona essent*), they were said to have offered up an acceptable sacrifice, or to have pacified the gods, (*diis litasse*); if not, (*si exta non bona vel prava et tristia essent*), another victim was offered up, (*sacrificium instaurabatur, vel victima succidanea mactabatur*),

tur), and sometimes several, *Cic. de divin.* ii. 36. 38.; *Suet. Cæs.* 81.; *Serv. in Virg.* iv. 50. v. 94.

Then the parts which fell to the gods were sprinkled with meal, wine, and frankincense, and burnt (*adolebantur vel cremabantur*) on the altar. The entrails were said, *Dii dari, reddi et porrici*, (*quasi porrigi, vel porro jaci*), when they were placed on the altars, (*cum aris vel flammis imponerentur*), *Virg. Æn.* vi. 252. xii. 214.; or when, in sacrificing to the *Dii Marini*, they were thrown into the sea, *Ibid.* v. 774. Hence, if any thing unlucky fell out to prevent a person from doing what he had resolved on, or the like, it was said to happen *inter caesa* (*sc. exta*) *et porrecta*, betwixt the time of killing the victim and burning the entrails, i. e. betwixt the time of forming the resolution and executing it, *Cic. Att.* v. 18.

When the sacrifice was finished, the priest having washed his hands and uttered certain prayers, again made a libation, and then the people were dismissed in a set form; *ILICET*, or *ire licet*.

After the sacrifice followed a feast, (*Epula sacrificales*), which in public sacrifices was sumptuously prepared by the *Septemviri Epulones*. In private sacrifices, the persons who offered them feasted on the parts which fell to them, with their friends.

On certain solemn occasions, especially at funerals, a distribution of raw flesh used to be made to the people, called *VISCERATIO*, *Liv.* viii. 22. xxxix. 46. xli. 28.; *Cic. Off.* ii. 16.; *Suet. Cæs.* 38. For *viscera* signifies not only the intestines, but whatever is under the hide; particularly the flesh betwixt the bones and the skin, *Serv. in Virg. Æn.* i. 211. iii. 6622. vi. 253.; *Suet. Vitell.* 13.

The sacrifices offered to the celestial gods, differed from those offered to the infernal deities in several particulars.

The victims sacrificed to the former were white, brought chiefly from the river Clitumnus, *Juven.* xii. 13.; *Virg. Georg.* ii. 145.; their neck was bent upwards, (*sursum reflectebatur*), the knife was applied from

above, (*imponebatur*), and the blood was sprinkled on the altar, or caught in cups: The victims offered to the infernal gods were black; they were killed with their faces bent downwards, (*prone*), the knife was applied from below, (*supponebatur*), and the blood was poured into a ditch.

Those who sacrificed to the celestial gods, were clothed in white, bathed the whole body, made libations by heaving the liquor out of the cup, (*fundendo manu supinâ*), and prayed with the palms of their hands raised to heaven: Those who sacrificed to the infernal gods were clothed in black; only sprinkled their body with water, made libations by turning the hand, (*invergendo, ita ut manu in sinistram partem versâ patera converteretur*), and threw the cup into the fire, *Serv. in Virg. Æn. vi. 244.* prayed with their palms turned downwards, and striking the ground with their feet, *Cic. Tusc. 2. ii. 25.*

Sacrifices were of different kinds; some were stated, (*stata et solemnia*), others occasional, (*fortuita et ex accidenti nata*); as, those called expiatory, for averting bad omens, (*ad portenta vel prodigia procuranda, expianda et avertenda vel averruncanda*), making atonement for a crime, (*SACRIFICIA PIACULARIA, ad crimen expiandum*), and the like.

A place reared for offering sacrifices was called *ARA* or *ALTARE*, an altar; *ALTARIA* (*ab altitudine*) *tantum diis superis consecrabantur*; *ARÆ et diis superis et inferis*, *Serv. in Virg. Ecl. v. 66.*; *Æn. ii. 515.* In the phrase *Pro aris et focus*; *ARA* is put for the altar in the *Impluvium* or middle of the house, where the *Penates* were worshipped; and *Focus*, for the hearth in the *atrium* or hall, where the *Lares* were worshipped, *Cic. Dom. 40. 41.*; *Dejot. 3.*; *Sext. 42.*; *Phil. ii. 30.*; *Sall. Cat. 52.* A secret place in the temple, which none but the priests entered, was called *ADYTUM*, *Cæs. B. C. iii. 105.*

There were various vessels and instruments used in sacrifices; as, *Acerra* vel *Thuribulum*, a censer for burning incense; *Simpulum* vel *simpuvium*, *guttum*, *capis*, *âdis*, *patera*, cups used in libations; *olla*, pots; *tripodes*, tripods;

tripods; *secures* vel *bipennes*, axes; *cultri* vel *scespita*, knives, &c. But these will be better understood by representation than description.

The ROMAN YEAR.

Romulus is said to have divided the year into ten months; the first of which was called *Martius*, March, from Mars his supposed father; the second *Aprilis*, either from the Greek name of Venus, (*Ἀφροδίτη*), *Ovid. Fast. i. 39.*; *Horat. Od. iv. 11.* or because then trees and flowers open (*se aperiunt*) their buds, *Plutarch. in Numa*; the third, *Maius*, May, from *Maia*, the mother of Mercury; and the fourth, *Junius*, June, from the goddess *Juno*, or in honour of the young, (*juniorum*), and May, of the old, (*majorum*): the rest were named from their number, *Quintilis*, *Sextilis*, *September*, *October*, *November*, *December*. *Quintilis* was afterwards called *Julius*, from Julius Cæsar, and *Sextilis*, *Augustus*, from Augustus Cæsar.

Numa added two months, called *Januarius*, from *Janus*; and *Februarius*, because then the people were purified (*februabatur*, i. e. *purgabatur* vel *lustrabatur*), by an expiatory sacrifice (*Februalia*) from the sins of the whole year; for this anciently was the last month in the year, *Ovid. Fast. ii. 49.*

Numa, in imitation of the Greeks, divided the year into twelve months, according to the course of the moon, consisting in all of 354 days; he added one day more, to make the number odd, which was thought the more fortunate. But as ten days, 5 hours, 49 minutes, were wanting to make the lunar year correspond to the course of the sun, he appointed that every other year an extraordinary month, called *Mensis Intercalaris*, or *Mercedonius*, should be inserted between the 23d and 24th day of February. The intercalating of this month was left to the discretion (*arbitrio*) of the *Pontifices*; who, by inserting more or fewer days, used to make

the current year longer or shorter, as was most convenient for themselves or their friends; for instance, that a magistrate might sooner or later resign his office, or contractors for the revenue might have longer or shorter time to collect the taxes, *Cic. de legg. ii. 12.*; *Fam. vii. 3. 12.*, *viii. 6.*; *Att. v. 9. 13.*, *vi. 1.*; *Suet. Cæs. 40.* In consequence of this licence, the months were transposed from their stated seasons; the winter months carried back into autumn, and the autumnal into summer, *Cic. Att. x. 17.*

Julius Cæsar, when he became master of the state, resolved to put an end to this disorder, by abolishing the source of it, the use of intercalations; and for that purpose, A. U. 707, adjusted the year according to the course of the sun, and assigned to each month the number of days which they still contain. To make matters proceed regularly, from the 1st of the ensuing January, he inserted into the current year, besides the intercalary month of 23 days, which fell into it of course, two extraordinary months betwixt November and December, the one of thirty-three, and the other of thirty-four days; so that this year, which was called the last year of *confusion*, consisted of fifteen months, or 445 days, *Suet. Cæs. 40.*; *Macrob. Sat. i. 14.*

All this was effected by the care and skill of *Sosigènes*, a celebrated astronomer of Alexandria, whom Cæsar had brought to Rome for that purpose; and a new kalendar was formed from his arrangement by *Flavius* a scribe, digested according to the order of the Roman festivals, and the old manner of computing the days by kalends, ides, and nones; which was published and authorised by the dictator's edict.

This is the famous JULIAN or solar year, which continues in use to this day in all Christian countries, without any other variation, than that of the *old* and *new Style*; which was occasioned by a regulation of Pope Gregory, A. D. 1582, who, observing that the Vernal equinox, which, at the time of the council of Nice, A. D. 325, had been on the 21st March, then happen-

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ed on the 10th, by the advice of astronomers, caused ten days to be entirely sunk and thrown out of the current year, between the 4th and 15th of October: and to make the civil year for the future to agree with the real one, or with the annual revolution of the earth round the sun; or, as it was then expressed, with the annual motion of the sun round the ecliptic, which is completed in 365 days, 5 hours, 49 minutes; he ordained, that every 100th year should not be a leap year, excepting the 400th; so that the difference will hardly amount to a day in 7000 years, or, according to a more accurate computation of the length of the year, to a day in 5200 years.

This alteration of the style was immediately adopted in all the Roman Catholic countries; but not in Britain till the year 1752, when eleven days were dropt betwixt the 2d and 14th September, so that that month contained only nineteen days; and thenceforth the new style was adopted, as it had been before in the other countries of Europe. The same year also another alteration was made in England, that the legal year, which before had begun the 25th March, should begin upon the 1st of January, which first took place 1st January 1752.

The Romans divided their months into three parts by *Kalends*, *Nones*, and *Ides*. The first day was called *KALENDÆ*, (*a calando vel vocando*), from a priest calling out to the people that it was new moon; the 5th day, *NONÆ*, the *nones*; the 13th, *IDUS*, the *ides*, from the obsolete verb *iduate*, to divide; because the *ides* divided the month. The *nones* were so called, because counting inclusively, they were nine days from the *ides*.

In March, May, July, and October, the *nones* fell on the 7th, and the *ides* on the 15th.

The Romans in marking the days of the month counted backwards. Thus they called the last day of December *Pridie Kalendas*, sc. *ante*, or *Pridie Kalendarum Januarii*, marked shortly, *Prid. Kal. Jan.*; the

day before that, or the 30th December, *Tertio Kal. Jan. sc. die ante*, or *ante diem tertium Kal. Jan.* and so through the whole year; thus,

A TABLE of the KALENDS, NONES, and IDES.

Days of the Month.	Apr. June,	Jan. August,	March, May,	February.
	Sept. Nov.	December.	July, Oct.	
1	Kalendæ.	Kalendæ.	Kalendæ.	Kalendæ.
2	IV.	IV.	VI.	IV.
3	III.	III.	V.	III.
4	Prid. Non.	Prid. Non.	IV.	Prid. Non.
5	Nonæ.	Nonæ.	III.	Nonæ.
6	VIII.	VIII.	Prid. Non.	VIII.
7	VII.	VII.	Nonæ.	VII.
8	VI.	VI.	VIII.	VI.
9	V.	V.	VII.	V.
10	IV.	IV.	VI.	IV.
11	III.	III.	V.	III.
12	Prid. Id.	Prid. Id.	IV.	Prid. Id.
13	Idus.	Idus.	III.	Idus.
14	XVIII.	XIX.	Prid. Id.	XVI.
15	XVII.	XVIII.	Idus.	XV.
16	XVI.	XVII.	XVII.	XIV.
17	XV.	XVI.	XVI.	XIII.
18	XIV.	XV.	XV.	XII.
19	XIII.	XIV.	XIV.	XI.
20	XII.	XIII.	XIII.	X.
21	XI.	XII.	XII.	IX.
22	X.	XI.	XI.	VIII.
23	IX.	X.	X.	VII.
24	VIII.	IX.	IX.	VI.
25	VII.	VIII.	VIII.	V.
26	VI.	VII.	VII.	IV.
27	V.	VI.	VI.	III.
28	IV.	V.	V.	Prid. Kal.
29	III.	IV.	IV.	Martii.
30	Prid. Kal.	III.	III.	
31	Menf. seq.	Prid. Kal. Menf. seq.	Prid. Kal. Menf. seq.	

In leap year, that is, when February has twenty-nine days, which happens every fourth year, both the 24th and 25th days of that month were marked, *Sexto Kalendas Martii* or *Martias*; and hence this year is called *BISSEXTILIS*.

The names of all the months are used as substantives or adjectives, except *Aprilis*, which is used only as a substantive.

The Greeks had no kalends in their way of reckoning, but called the first day of the month *νύμνια*, or new-moon; hence *ad Græcas Kalendas solvere*, for *nunquam*, Suet. Aug. 87.

The day among the Romans was either *civil* or *natural*.

The civil day (*DIES CIVILIS*) was from mid-night to mid-night. The parts of which were, 1. *Media nox*; 2. *Mediæ noctis inclinatio*, vel *de mediâ nocte*; 3. *Gallicinium*, cock crowing, the time when the cocks crow; 4. *Conticinium*, when they give over crowing; 5. *Diluculum*, the dawn; 6. *Mane*, the morning; 7. *Antemeridianum tempus*, the forenoon; 8. *Meridies*, mid-day; 9. *Tempus pomeridianum*, vel *meridiei inclinatio*, afternoon; 10. *Salis occasus*, sun-set; 11. *Vespera*, the evening; 12. *Crepusculum*, the twilight; 13. *Prima fax*, when candles were lighted, called also *prima tenebræ*, Liv. *Prima lumina*, Horat.; 14. *Concubia nox*, vel *concubium*, bed-time, Liv. xxv. 9.; 15. *Intempesta nox*, or *silentium noctis*, far on in the night; 16. *Inclinatio ad mediam noctem*, Censorin. de die nat. c. 24.

The natural day (*DIES NATURALIS*) was from the rising to the setting of the sun. It was divided into twelve hours, which were of a different length at different seasons.

The night was divided into four watches, (*vigilia prima, secunda, &c.*) each consisting of three hours, which were likewise of a different length at different times of the year.

Before the use of dials (*horologia solaria vel sciatERICA*) was known at Rome, there was no division of the day into

into hours; nor does that word occur in the Twelve Tables. They only mention sun-rising and sun-setting, *before* and *after* mid-day, Censorin. 23. *Anaximander* or *Anaximenes* of Miletus, is said to have invented dials at Lacedæmon in the time of Cyrus the Great, *Plin.* ii. 76.; and the first dial is said to have been set up at Rome by L. Papirius Cursor, A. U. 447, and the next near the *Rostra* by M. Valerius Melsala, the consul, who brought it from Catana in Sicily, in the first Punic war, A. U. 477. Scipio Nasica first measured time by water, or by a *clepsydra*, which served by night as well as by day, A. U. 595, *Ibid.* (See p. 254.) The use of clocks and watches was unknown to the Romans.

DIVISION of DAYS and ROMAN FESTIVALS.

Days among the Romans were either dedicated to religious purposes, (*DIES FESTI*), or assigned to ordinary business. (*dies PROFESTI*).

There were some partly the one, and partly the other, (*dies INTERCISI*, i. e. *ex parte festi*, et *ex parte profesti*), half holidays.

On the *Dies Festi* sacrifices were performed, feasts and games were celebrated, or there was at least a cessation from business.

The days on which there was a cessation from business were called *FERIÆ*, *holidays*, and were either *public* or *private*.

Public *Feria* or festivals were either stated, (*STATÆ*), or annually fixed on a certain day by the magistrates or priests, (*CONCEPTIVÆ*), or occasionally appointed by order of the consul, the prætor, or *Pontifex Maximus*. (*IMPERATIVÆ*).

The

The stated festivals were chiefly the following :

1. In *January*, AGONALIA, in honour of Janus, on the 9th, (v. *Id.*) and also on the 20th May; CARMENTALIA, in honour of Carmenta, the mother of Evander, on the 11th, (iii. *Id.*): But this was an half holiday, (*intercivus*); for after mid-day it was *dies profestus*, a common work day. On the first day of this month, people used to wish one another health and prosperity, (*omnia fausta*), and send presents to their friends. (See p. 57.) Most of the magistrates entered on their office, and artists thought it lucky to begin any work they had to perform, *Ovid. & Martial.*

2. In February, FAUNALIA, to the god Faunus, on the 13th (*Idibus*); LUPERCALIA, to Lycæan Pan, on the 15th, (xv. *Kal. Mart.*); QUIRINALIA, to Romulus, on the 17th; FERALIA, (*quod tum epulas ad sepulchra amicorum ferebant, vel pecudes ferebant, Festus*), to the *Dii Manes*, on the 21st, (*Ovid* says the 17th), and sometimes continued for several days; after which friends and relations kept a feast of peace and love (*charistia*) for settling differences and quarrels among one another, if any such existed, *Kal. Max.* ii. 1. 8.; *Ovid. Fast.* ii. 631. TERMINALIA, to *Terminus*; REGIFUGIUM vel *regis fuga*, in commemoration of the flight of king Tarquin, on the 24th; EQUIRIA, horse races in the *Campus Martius*, in honour of Mars, on the 27th.

3. In March, MATRONALIA, celebrated by the matrons for various reasons, but chiefly in memory of the war terminated betwixt the Romans and Sabines, *Ovid. Fast.* iii. on the first day; when presents used to be given by husbands to their wives, *Suet. Vesp.* 19.; *Festum* ANCILIORUM, on the same day and the three following, when the shields of Mars were carried through the city by the *Salii*, who used then to be entertained with sumptuous feasts; whence *Saliares dapes* vel *cæna*, for *lautæ, opiparæ, opulenta*, *Horat. Od.* i. 37.; LIBERALIA, to Bacchus, on the 18th, (xv. *Kal. Apr.*) when young men used to put on the *Toga virilis*,

virilis, or manly gown; **QUINQUATRUS**, -uum, vel *Quinquatria*, in honour of Minerva, on the 19th, at first only for one day, but afterwards for five; whence they got their name. At this time boys brought presents to their master, called *Minervalia*. On the last day of this festival, and also on the 23d May, the trumpets used in sacred rites were purified (*lustrabantur*) by sacrificing a lamb; hence it was called **TUBILUSTRIUM**, vel -A, *Ovid. Fast.* iii. 829. v. 725. **HILARIA**, in honour of the mother of the gods, on the 25th.

4. In April, **MEGALESIA** or *Megalenses*, to the great mother of the gods, on the 4th or 5th; **CERETALIA**, or *Ludi Cereales*, to Ceres, on the 9th; **FORDICIDIA**, on the 15th, when pregnant cows were sacrificed, (*fordæ boves*, i. e. *gravida, quæ in ventre ferunt*), *Ovid. Fast.* iv. 5. 629.; **PALILIA** vel *Parilia*, to *Pales*, (See p. 1.); **ROBIGALIA**, to *Robigus*, that he would preserve the corn from mildew, (*a rubigine*), on the 25th; **FLORALIA**, to *Flora* or *Chloris*, (*ut omnia bene deflorescerent*, shed their blossoms, *Plin.* xviii. 29.) begun on the 28th, and continued to the end of the month.

5. In May, on the kalends were performed the sacred rites of the *Bona Dea* by women only, (*cum omne masculinum expellebatur*), in the house of the consul, the prætor, or Pontifex Maximus, *Dio*, 37.: On this day also an altar was erected (*constituta*), and a sacrifice offered to the *Lares* called *Præstitæ*, (*quod omnia futa præstant*), *Ovid. Fast.* i. 133.; on the 2d, **COMPITALIA**, to the *Lares* in the public ways, at which time boys are said anciently to have been sacrificed to *Mania* the mother of the *Lares*; but this cruel custom was abolished by Junius Brutus, *Macrobius Sat.* i. 7.; on the 9th, **LEMURIA**, to the *Lemures*, hobgoblins or spectres in the dark, which were believed to be the souls of their deceased friends, (*manes paterni*). Sacred rites were performed to them for three nights, not successively, but alternately for six days, *Ovid. Fast.* v. 429.; on the 13th, or the
ides,

ides, the images of thirty men made of rushes, (*simulacra scirpea virorum*), called *Argei*, used to be thrown from the Sublician bridge by the Vestal Virgins, attended by the magistrates and priests, in place of that number of old men, which used anciently to be thrown from the same bridge into the Tiber, *Festus in DEPONTANI*; *Varr. de Lat. ling.* vii. 3.; *Ovid. Fast.* v. 621.; on the same day was the festival of merchants, (*festum mercatorum*), when they offered up prayers and sacred rites to Mercury; on the 23d, *VULCANALIA*, to Vulcan.

6. In June, on the kalends were the festivals of the goddesses *CARNA*, (*quæ vitalibus humanis præerat*), of *MARS Extramuraneus*, whose temple was without the *porta Capena*, and of *JUNO Moneta*; on the 4th, of *BELLONA*; on the 7th, *Ludi Piscatorii*; the 9th, *VESTALIA*, to *Vesta*; 10th, *MATRALIA*, to mother *Matuta*, &c. With the festivals of June, and the six books of *Ovid*, called *Fasti*: the other six are lost.

7. In July, on the kalends people removed (*commigrabant*) from hired lodgings, *Cic. ad Q. Fratr.* ii. 3.; *Fam.* xiii. 2.; *Suet. Tib.* 35.; the 4th, the festival of *Female Fortune*, in memory of *Coriolanus* withdrawing his army from the city, *Liv.* ii. 40.; on the 5th, *LUDI APOLLINARES*, *Liv.* xxvii. 23.; the 12th, the birthday of *Julius Cæsar*; the 15th or ides, the procession of the *Equites*, (See p. 26.); the 16th, *DIES ALLIENSIS*, on which the Romans were defeated by the Gauls, (*dies ater et funestus*), *Cic. Att.* ix. 5.; *Suet. Vit.* 2.; the 23d, *NEPTUNALIA*.

8. In August, on the 13th or ides, the festival of *DIANA*; 19th, *VINALIA*, when a libation of new wine was made to *Jupiter* and *Venus*; 18th, *CONSUALIA*, games in honour of *Consus*, the god of counsel, or of *Equestrian Neptune*, at which the Sabine women were carried off by the Romans, *Liv.* i. 9.; the 23d, *VULCANALIA*.

9. In September, on the 4th, (*Prid. Non.*) *Ludi MAGNI* OR *ROMANI*, in honour of the great gods, *Jupiter*,

ter, Juno, and Minerva, for the safety of the city; on the 13th, the consul or dictator (*Prator Maximus*) used anciently to fix a nail in the temple of Jupiter, *Liv. vii. 3.*; the 30th, *MEDITRINALIA*, to *Meditrina*, the goddess of curing or healing, (*medendi*), when they first drank new wine.

10. In October, on the 12th *AUGUSTALIA* vel *Ludi Augustales*, *Tacit. Annal. i. 15.*; the 13th, *FAUNALIA*; the 15th or ides, a horse was sacrificed, called *Equus Octobris*.

11. In November, on the 13th there was a sacred feast called *Epulum Jovis*; on the 27th, sacred rites were performed on account of two Greeks and two Gauls, a man and woman of each, who were buried alive in the ox market, *Liv. xxii. 57.*; *Plutarch. quest. 83.*; in *Marcello*.

12. In December, on the 5th or nones, *FAUNALIA*, *Horat. Od. iii. 18.*; on the 17th, (*xvi. Kal. Jan.*) *SATURNALIA*, the feasts of Saturn, the most celebrated of the whole year, when all orders were devoted to mirth and feasting, friends sent presents to one another, *Suet. Aug. 75.*; *Vesp. 19.* and masters treated their slaves upon an equal footing, *Horat. Sat. ii. 7.* at first for one day, *Liv. ii. 21. xxii. 1.* afterwards for three, and by the order of Caligula, for five days, *Dio, lix.*; *Suet. Cal. 17.*; *Macrob. Sat. i. 10.* Two days were added, called *SIGILLARIA*, (*a sigillis*), from small images, which then used to be sent as presents, especially by parents to their children, *Macrob. ibid.*; on the 23d, *LAURENTINALIA*, in honour of *Laurentia Acca*, the wife of *Faustulus*, and nurse of *Romulus*.

The *FERIÆ CONCEPTIVÆ*, which were annually appointed (*concupiebantur vel indicebantur*) by the magistrates on a certain day, were,

1. *FERIÆ LATINÆ*, the Latin holidays, (See p. 70.) first appointed by Tarquin for one day, *Liv. i. 55.* after the expulsion of the kings they were continued for two, then for three, and at last for four days, *Liv. vi.*

42. The consuls always celebrated the *Latin FERIA* before

fore they set out to their provinces; and if they had not been rightly performed, or if any thing had been omitted, it was necessary that they should be again repeated, (*insaurari*), *Liv. passim*.

2. PAGANALIA, celebrated in the villages (in *pagis*) to the tutelary gods of the rustic tribes. See p. 81.

3. SEMENTIVÆ, in seed-time for a good crop, *Varro & Ovid*.

4. COMPITALIA, to the *Lares* in places where several ways met, (*in compitis*).

The Romans worshipped certain gods that they might do them good, and others, that they might not hurt them; as, *Averruncus* and *Robigus*. There was both a good *Jupiter* and a bad; the former was called *Di-jovis*, (*a juvando*), or *Diespiter*, and the latter, *Vejo-vis*, or *VEDIUS*, *Gell. v. 12*.

FERIÆ IMPERATIVÆ, were holidays appointed occasionally; as, when it was said to have rained stones, *Sacrum NOVEMDIALE vel Ferie per novem dies*, for nine days, *Liv. i. 31.*; for expiating other prodigies, *Liv. iii. 5. xxxv. 40. xlii. 2.* on account of a victory, &c. to which may be added *JUSTITIUM*, (*cum jura stant*), a cessation from business on account of some public calamity, as, a dangerous war, the death of an emperor, &c. *Liv. iii. 3. 27. iv. 26. 31. vi. 2. 7. vii. 6. 28. ix. 7. x. 4. 21.*; *Tacit. Annal. ii. 82.* SUPPLICATIO et LECTISTERNIUM, &c. See p. 298.

Ferie were privately observed by families and individuals, on account of birth-days, prodigies, &c.

DIES PROFESTI, were either *Fasti* or *Nefasti*, &c. (See p. 308.) *Nundinæ*, quasi *Novendinæ*, (See p. 87.) *PRÆLIARES*, fighting days, and *non præliares*; as, the days *after* the kalends, nones, and ides; for they believed there was something unlucky in the word *post*, after, and therefore they were called *Dies religiosi, atrii vel infausi*; as those days were, on which any remarkable disaster had happened; as, *Dies Alliensis*, &c. *Liv. vi. 1.*

ROMAN GAMES.

Games among the ancient Romans constituted a part of religious worship. They were of different kinds at different periods of the republic. At first they were always consecrated to some god; and were either stated, (*Ludi STATI*), the chief of which have been already enumerated among the Roman festivals, or vowed by generals in war, (*VOTIVI*), or celebrated on extraordinary occasions, (*EXTRAORDINARI*).

At the end of every 110 years, games were celebrated for the safety of the empire, for three days and three nights, to Apollo and Diana, called *Ludi SÆCULARES*. (See p. 178). But they were not regularly performed at those periods.

The most famous games were those celebrated in the *Circus Maximus*; hence called *Ludi Circenses*; of which the chief were *Ludi Romani* vel *Magni*.

I. LUDI CIRCENSES.

The *Circus Maximus* was first built by Tarquinius Priscus, and afterwards at different times magnificently adorned. It lay betwixt the Palatine and Aventine hills, and was of an oblong *circular* form, whence it had its name. The length of it was three *stadia* or furlongs and a half, i. e. $437\frac{1}{2}$ paces, or $2187\frac{1}{2}$ feet; the breadth little more than one *stadium*, with rows of seats all round, called *Fori* or *spectacula*, (i. e. *sedilia unde spectarent*), rising one above another, the lowest of stone and the highest of timber, where separate places were allotted

ted to each *Curia*, and also to the *Senators* and to the *E-quites*; but these last under the republic sat promiscuously with the rest of the people. (See p. 6.) It is said to have contained at least 150,000 persons, *Dionys. iii.*; or, according to others, above double that number. Its circumference was a mile. It was surrounded with a ditch or canal, called *Euripus*, ten feet broad, and ten feet deep, the work of Julius Cæsar. In different parts there were proper places for the people to go in and out without disturbance. On one end there were several openings, (*ostia*), from which the horses and chariots started, (*emittebantur*), called *CARCERES*, and sometimes *Carcer*. (*quod equos coercebat; ne exirent, priusquam magistratus signum mitteret*, Varro). Before the *carceres* stood two small statues of Mercury, holding a chain or rope to keep in the horses.

On this end of the circus, which was in the form of a semicircle, were three balconies or open galleries, one in the middle, and one in each corner; called *MÆNIANA*, from one Mænius, who, when he sold his house adjoining to the Forum to Cato and Flaccus the censors, reserved to himself the right of one pillar, where he might build a projection, whence he and his posterity might view the shews of gladiators, which were then exhibited in the Forum, *Ascon. in Cic.*; *Suet. Cal. 18.*

In the middle of the *Circus*, for almost the whole length of it, there was a brick wall, about twelve feet broad and four feet high, called *Spina*; at both the extremities of which there were three columns or pyramids, called *METÆ*, or goals, round which the horses and chariots turned, (*flectebant*), so that they always had the *spina* and *metæ* on their left hand, *Ovid. Am. iii. 65.*: Whence *a carceribus ad metam vel calcem*, from beginning to end, *Cic. Am. 27.*; *Sen. 23.*

In the middle of the *spina* Augustus erected an obelisk 132 feet high, brought from Egypt; and at a small distance another eighty-eight feet high.

Before the games began, the images of the gods were led along in procession on carriages and in frames, (*in*

thenfis et ferculis), *Suet. Jul. 76.* or on men's shoulders, with a great train of attendants, part on horseback, and part on foot. Next followed the combatants, dancers, musicians, &c. When the procession was over, the consuls and priests performed sacred rites.

The shews (*spectacula*) exhibited in the *Circus Maximus* were chiefly the following:

1. Chariot and horse-races, of which the Romans were extravagantly fond.

The charioteers (*agitatores vel aurigæ*) were distributed into four parties (*greges*) or factions, from their different dress or livery; *factio alba vel albata*, the white; *ruffata*, the red; *veneta*, the sky-coloured or sea-coloured; and *prasina*, the green faction; to which Domitian added two, called the golden and purple, (*factio aurata et purpurea*), *Suet. Domit. 7.*

The order in which the chariots or horses stood was determined by lot; and the person who presided at the games gave the signal for starting by dropping a napkin or cloth, (*mappâ vel panno misso*). Then the chain of the *Hermuli* being withdrawn, they sprung forward, and whoever first ran seven times round the course was victor. This was called one match, (*unus MISSUS, -ûs*), for the matter was almost always determined at one heat; and usually there were twenty-five of these in one day, sometimes many more; but then the horses commonly went only five times round the course, *Suet. Claud. 21.; Ner. 22.; Domit. 4.*

The victor being proclaimed by the voice of a herald, was crowned, *Suet. Calig. 32.* and received a prize in money of considerable value, *Martial, x. 50. 74.; Juv. vii. 113.*

Palms were first given to the victors at games, after the manner of the Greeks, and those who had received crowns for their bravery in war, first wore them at the games, *A. U. 459, Liv. x. 47.*

2. Contests of agility and strength, of which there were five kinds; running, (*cursus*); leaping, (*saltus*); boxing, (*pugilatus*); wrestling, (*lucta*); and throwing the

discus

discus or quoit, (*disci jactus*): hence called *Pentathlon*, vel -on, (*Latine QUINQUERTIUM, Festus*), or *Certamen Athleticum* vel *Gymnicum*, because they contended naked, (*γυμνοί*), with nothing on but trowsers or drawers, (*subligaribus tantum velati*); whence *GYMNASIUM*, a place of exercise, or a school. This covering, which went from the waist downwards and supplied the place of a tunic, was called *CAMPESTRE*, *Horat. Ep. i. ii. 18.* because it was used in the exercises of the *Campus Martius*, and those who used it, *Campestrati*, *Augustin. de civ. dei, xiv. 17.*

The *Athletæ* were anointed with a glutinous ointment called *CEROMA*, *Martiala, vii. 31. 9. iv. 4. & 19. xi. 48.*; *Juv. vi. 245.* and wore a coarse shaggy garment called *ENDROMIS*, -idis, *Martial, iv. 19.* used of finer stuff by women, *Juv. ibid.*; also by those who played at the ball (*pila*), called *TRIGON* or *HARPASTUM*, *Martial, ibid.*

Boxers covered their hands with a kind of gloves, (*chirothecæ*), which had lead or iron sewed into them, to make the strokes fall with the greater weight, called *CÆSTUS* vel *cestus*, *Virg. Æn. v. 379. 400.*

The combatants (*Athletæ*) were previously trained in a place of exercise, (*in palæstra vel gymnasio*), *Plaut. Bacch. iii. 3. 24.* and restricted to a particular diet, *Horat. de Art. Poet. 413.*; *1 Corinth. ix. 25.* In winter they were exercised in a covered place called *XYSTUS*, vel -um, surrounded with a row of pillars, *PERISTYLIUM*, *Vitruv. v. 2.* But *Xystum* generally signifies a walk under the open air, (*ambulatio Hypæthra vel subdialis*), laid with sand or gravel, and planted with trees, joined to a *Gymnasium*, *Cic. Att. i. 8.*; *Acad. iv. 3.*; *Suet. Aug. 72.*; *Plin. Ep. ii. 17. ix. 36.*

The persons thus exercised were called *Palæstritæ*, or *Xystici*; and he who exercised them, *Magister* vel *Doctor Palæstricus*, *Gymnasiarchus*, vel -a; *Xystarchus*, vel -es.

PALESTRA was properly a school for wrestling, (*αγλή, luctatio*), but is put for any place of exercise, or

the exercise itself; hence *palastram discere*, to learn the exercise, *Cic. de Orat.* iii. 22.

3. *LUDUS TROJÆ*, described by Virgil, *Æn.* v. 561. &c.

4. What was called *VENATIO*, or the fighting of wild beasts with one another, or with men called *Bestiarii*, who were either forced to this by way of punishment, as the primitive Christians often were, or fought voluntarily, either from a natural ferocity of disposition, or induced by hire, (*auctoramento*), *Cic. Tusc. Quest.* ii. 17.; *Fam.* vii. 1.; *Off.* ii. 16.; *Vat.* 17.

5. The representation of a horse and foot battle, and also of an encampment or a siege, *Suet. Jul.* 39.; *Claud.* 21.; *Dom.* 4.

6. The representation of a sea-fight, (*NAUMACHIA*), which was at first made in the *Circus Maximus*, but afterwards oftener elsewhere. Augustus dug a lake near the Tiber for that purpose, *Suet. Aug.* 43.; *Tiber.* 72.; and Domitian built a naval theatre, which was called *Naumachia Domitiani*, *Suet. Dom.* 5. Those who fought were called *Naumachiarii*. They were usually composed of captives or condemned malefactors, who fought to death, unless saved by the clemency of the Emperor, *Dio*, lx.; *Suet. Claud.* 21.; *Tacit. Annal.* xii. 56.

II. SHEWS of GLADIATORS.

The shews (*spectacula*) of gladiators were properly called *Munera*, and the person that exhibited (*edebat*) them, *Munerarius*, vel -ator, *Editor et Dominus*; who although in a private station, enjoyed, during the days of the exhibition, the ensigns of magistracy. They seem to have taken their rise from the custom of slaughtering captives at the tombs of the slain to appease their *manes*, *Virg. Æn.* x. 518.

Gladiators were first publicly exhibited (*dati sunt*) at Rome by two brothers called *Bruti*, at the funeral of their

their father, A. U. 490, *Liv. Epit. xvi.*; *Val. Max. ii. 4. 7.* and for some time they were only exhibited on such occasions; but afterwards also by the magistrates to entertain the people, chiefly at the *Saturnalia* and feasts of *Minervā*. Incredible numbers of men were destroyed in this manner.

Gladiators were kept and maintained in schools (*ludis*) by persons called *LANISTÆ*, who purchased and trained them. The whole number under one *Lanista* was called *FAMILIA*, *Suet. Jul. 26.*; *Aug. 42.* They were plentifully fed on strong food; hence *Sagina gladiatoria*, *Tacit. hist. ii. 88.*

A *Lanista*, when he instructed young gladiators, (*tirones*), delivered to them his lessons and rules (*dictata et leges*) in writing, *Suet. Jul. 26.*; *Juvenal. xi. 8.* and then he was said *commentari*, *Cic. de Orat. iii. 23.*

The gladiators when they were exercised, fenced with wooden swords, (*rudibus batuebant*; whence *batualia*, a battle), *Cic. ibid.*; *Suet. Calig. 32. 54.*

Gladiators were at first composed of captives and slaves, or of condemned malefactors. Of these some were said to be *ad gladium damnati*, who were to be dispatched within a year. This, however, was prohibited by Augustus, (*gladiatorum sine missione edi prohibuit*), *Suet. Aug. 45.*; and others, *ad ludum damnati*, who might be liberated after a certain time. But afterwards also free-born citizens, induced by hire or by inclination, fought on the stage, some even of noble birth, *Juvenal. ii. 43. viii. 191, &c.*; *Liv. xxviii. 2.*; *Suet. Ner. 12.*; and what is still more wonderful, noblewomen, *Tacit. Annal. xv. 32.*; *Suet. Domit. 4.*; *Juvenal. vi. 254, &c.*; and dwarfs (*nani*). *Stat. Sylv. I. vi. 57.*

Freemen who became gladiators for hire were said *esse auctorati*, *Horat. Sat. ii. 7. 5.* and their hire, *auctoramentum*, *Suet. Tib. 7.* or *gladiatorium*, *Liv. xlv. 31.* and an oath was administered to them, *Pet. Arbitr.* 117.

Gladiators were distinguished by their armour and manner of fighting. Some were called *SECUTORES*, whose

whose arms were an helmet, a shield, and a sword, or a leaden bullet, (*massa plumbea*), *Isidor.* xviii. 55. With them were usually matched (*committebantur vel componebantur*) the RETIARII. A combatant of this kind was dressed in a short tunic, but wore nothing on his head, *Suet. Calig.* 30.; *Claud.* 34.; *Juvenal.* viii. 205. He bore in his left hand a three-pointed lance called *Tridens* or *Fuscina*, and in his right, a net, (*RETE*), with which he attempted to entangle (*irretire*) his adversary, by casting it over his head, and suddenly drawing it together, and then with his trident he usually slew him. But if he missed his aim, by either throwing the net too short, or too far, he instantly betook himself to flight, and endeavoured to gather up his net for a second cast; while his antagonist as swiftly pursued, (whence the name *Secutor*), to prevent his design by dispatching him.

Some gladiators were called MIRMILLONES, (*α μὲρμυρος, piscis*), because they carried the image of a fish on their helmet; hence a *Retiarius*, when engaged with one of them, said, *I do not aim at you, I throw at your fish*, (*NON TE PETO; PISCEM PETO: QUID ME FUGIS, GALLE*)? *Festus*. The *Mirmillo* was armed like a Gaul, with a buckler (*parmâ vel peltâ*) and a hooked sword or cutlass, (*sicâ vel harpê*, i. e. *gladio incurvo et falcato*), and was usually matched with a Thracian, (*THREX vel THRAX*, i. e. *Threcedicis armis ornatus*), *Cic. Phil.* vii. 6.; *Liv.* xli. 20.; *Horat. Sat.* ii. 6. 44.; *Suet. Cal.* 32.; *Juv.* viii. 201.; *Auson. in Monosyll.* 102. *Quis Myrmilioni componitur equimânus? Threx.*

Certain gladiators from their armour were called SAMNITES, *Liv.* ix. 40.; *Cic. Sext.* 64. and also *Hoplomâchi*, *Suet. Calig.* 35. Some *Dimachari*, because they fought with two swords; and others *Laquearii*, because they used a noose to entangle their adversaries, *Isidor.* xviii. 56.

There was a kind of gladiators who fought from chariots (*ex essedis*) after the manner of the Britons or Gauls, called ESSEDARII, *Cic. Fam.* vii. 6.; *Suet. Cal.*

35.; *Cas. de B. G. v. 24.* and also from horseback, with, what was curious, their eyes shut, (*clausis oculis*), who were called *ANDABATÆ*, *Cic. Fam. vii. 10.* Hence *Andabatarum more pugnare*, to fight in the dark or blind-fold, *Hieronym.*

Gladiators who were substituted (*supponebantur*) in place of those who were conquered or fatigued, were called *SUPPOSITII*, or *SUBDITICI*, *Martial, v. 25. 8.* Those who were asked by the people, from the Emperor, on account of their dexterity and skill in fighting, were called *POSTULATII*: Such were maintained at the Emperor's private charge, and hence called *FISCALES* or *Cæsariani*. Those who were produced and fought in the ordinary manner, were called *ORDINARI*, *Suet. Aug. 44.; Domit. 4.*

When a number fought together, (*gregatim, temere ac sine arte*), and not in pairs, they were called *CATERVARI*, *Suet. Aug. 45.; Cal. 30.* Those produced at mid-day, who were generally untrained, *MERIDIANI*, *Senec. epist. 7.; Suet. Claud. 34.*

The person who was to exhibit gladiators (*EDITOR*), some time before announced the shew, (*munus edicebat*, *Senec. Ep. 117.; ostendebat, pronuntiabat, proponebat, &c. Cic. Fam. ii. 8. ix. 8.; Suet. Jul. 26.; Tit. 8.*) by an advertisement or bill pasted up in public, (*per libellum publicè affixum*), in which he mentioned the number and names of the most distinguished gladiators. Sometimes these things seem to have been represented in a picture, *Horat. Sat. ii. 7. 95.*

Gladiators were exhibited sometimes at the funeral pile, often in the *Forum*, which was then adorned with statues and pictures, *Cic. Verr. i. 22.* but usually in an *Amphitheatre*, so called, because it was seated all round, like two theatres joined, *Plin. xxxvi. 14. 16. &c.*

Amphitheatres were at first temporary, and made of wood. The first durable one of stone was built by *Statilius Taurus* at the desire of Augustus, *Suet. Aug. 29.* which seems likewise to have been partly of wood. The largest amphitheatre was that begun by Vespasian and completed

completed by Titus, now called COLISÆUM, from the *colossus* or large statue of Nero which stood near it. It was of an oval form, and is said to have contained 87,000 spectators. Its ruins still remain. The place where the gladiators fought was called ARENA, because it was covered with sand or saw-dust, to prevent the gladiators from sliding, and to drink up the blood; and the persons who fought *Arenarii*. But *arena* is also put for the whole amphitheatre, or the shew, *Juvenal.* iii. 34. also for the seat of war; *Prima civilis arena Italia fuit*, Flor. So CAVEA, for a theatre or amphitheatre, *Suet. Aug.* 44.; *Claud.* 21.; *Cic. Amic.* 24.; *Plaut. Amph. prol.* 65. *Confessus caveæ*, the spectators, *Virg. Æn.* v. 340.

The part next the *arena* was called PODIUM, where the senators sat, and the ambassadors of foreign nations; and where also was the place of the emperor, (*SUGGESTUS*, vel -um, elevated like a pulpit or tribunal, *Suet. Jul.* 76.; *Plin. Paneg.* 51. and covered like a pavilion, CUBICULUM vel *papilio*, *Suet. Ner.* 12.) likewise of the person who exhibited the games, (*Editoris Tribunal*), and of the Vestal Virgins, *Suet. Aug.* 44.

The *Podium* projected over the wall which surrounded the *arena*, and was raised between twelve and fifteen feet above it; secured with a breast-work or parapet (*loricâ*) against the irruption of wild beasts. As a further defence, the *arena* was surrounded with an iron rail (*ferreis clathris*), and a canal, (*euripo*), *Plin.* viii.

The *Equites* sat in fourteen rows behind the senators. The seats (*gradus* vel *sedilia*) of both were covered with cushions, (*pulvillis*), *Juvenal.* iii. 152. The rest of the people sat behind on the bare stone, and their seats were called POPULARIA, *Suet. Claud.* 25.; *Dom.* 4. The entrances to these seats were called VOMITORIA; the passages (*viæ*) by which they ascended to the seats were called *Scale* or *Scalaria*, and the seats betwixt two passages, were, from their form, called *Cuneus*, a wedge, *Juvenal.* vi. 61.; *Suet. Aug.* 44. For, like the section of a circle, this space gradually widened from the

the arena to the top. Hence *Cuneis innotuit res omnibus*, to all the spectators, *Phadr.* v. 7. 35.

Sometimes a particular place was publicly granted to certain persons by way of honour, *Cic. Phil.* ix. 7.; and the *editor* seems to have been allowed to assign a more honourable seat to any person he inclined, *Cic. Att.* ii. 1.

There were certain persons called *DESIGNATORES* or *Designatores*, masters of ceremonies, who assigned to every one their proper place, *Plaut. Pænul. Prolog.* 19.; *Cic. Att.* iv. 3. as undertakers did at funerals, *Horat. Epist.* i. 7. 6.; and when they removed any one from his place, they were said, *eum excitare vel suscitare*, *Martial.* iii. 95. v. 14. vi. 9. The *Designatores* are thought by some to have been the same with what were called *LOCARII*, (*quia sedes vel spectacula locabant*). But these, according to others, properly were poor people, who came early and took possession of a seat, which they afterwards parted with to some rich person who came late for hire, *Martial.* v. 25.

Anciently women were not allowed to see the gladiators, without the permission of those in whose power they were, *Val. Max.* vi. 3. 12.; but afterwards this restriction was removed. Augustus assigned them a particular place in the highest seats of the amphitheatre, *Suet. Aug.* 44.

There were in the amphitheatres secret tubes, from which the spectators were besprinkled with perfumes, (*croco diluto aut aliis fragrantibus liquoribus*), *Martial.* v. 26. & *de spect.* 3.; and in rain or excessive heat there were coverings (*vela vel velaria*) to draw over them, *Juvenal.* iv. 122.: For which purpose there were holes in the top of the outer wall, in which poles were fixed to support them. But when the wind did not permit these coverings to be spread, they used broad-brimmed hats or caps (*causie vel pilei*) and umbrellas, *Dio.* lvi. 11.; *Martial.* xiv. 27. 28.

By secret springs, certain wooden machines called *PEGMATA*, vel -*mæ*, were raised to a great height, to appearance

appearance spontaneously, and elevated or depressed, diminished or enlarged at pleasure, *Martial. Spect. ii. 16. viii. 33.; Senec. Epist. 88.; Suet. Claud. 34.* Gladiators were sometimes set on them, hence called *Pegmares*, *Suet. Cal. 26.* and boys, (*et pueros inde ad velaria raptos*), *Juvenal, iv. 122.* But *Pegmata* is put, by Cicero for the shelves (*pro oculis*) in which books were kept, *Att. iv. 8.*

Nigh to the amphitheatre was a place called *SPOLIARIUM*, to which those who were killed or mortally wounded were dragged by a hook, (*unco trahebantur*), *Plin. Paneg. 36.; Senec. Epist. 93.; Lamprid. in Commod.*

On the day of the exhibition the gladiators were led along the arena in procession. Then they were matched by pairs, (*paria inter se componebantur, vel comparabantur*), *Horat. Sat. vii. 20.* and their swords examined (*explorabantur*) by the exhibiter of the games, *Suet. Tit. 9.*

The gladiators, as a prelude to the battle, (*praludentes vel proludentes*); at first fought with wooden swords or the like, flourishing (*ventilantes*) their arms with great dexterity, *Cic. de Orat. ii. 78.; Senec. Ep. 117.; Ovid. Art. Am. 515. 589.* Then upon a signal given with a trumpet, (*sonabant ferali clangore tubæ*, *Quinctil. v. 14.*) they laid aside these, (*arma lusoria, rudes vel gladios hebetes ponebant, v. abjiciebant*), and assumed their proper arms, (*arma pugnatoria, vel decretoria, i. e. gladios acutos sumebant*), *Ibid. Suet. Cal. 54.;* They adjusted themselves (*se ad pugnam componebant*, *Gell. vii. 3.*) with great care, and stood in a particular posture, (*in statu vel gradu stabant*), *Plaut. Mil. iv. 9. 12.* Hence *moveri, dejici vel deturbari de statu mentis; depelli, dejici, vel demoveri gradu, &c.* *Cic. Off. i. 23.; Att. xvi. 15.; Nep. Themist. 5.; Liv. vi. 32.* Then they pushed at one another (*petebant*) and repeated the thrust, (*repetebant*), *Suet. Cal. 58.* They not only pushed with the point, (*punctum*), but also struck with the edge, (*caesim*). It was more easy to parry or avoid

(*cavere,*

(*cavere, propulsare, exire, effugere, excedere*), direct thrusts, (*ictus adversos, et rectas ac simplices manus*), than back or side strokes, (*manus vel petitiones aversas tectasque*), *Quintil.* v. 13. ix. 1.; *Virg.* ix. 439.; *Cic. Cat.* i. 6. They therefore took particular care to defend their side, (*latus tegere*); hence *latere tecto abscedere*, to get off safe, *Ter. Heaut.* iv. 2. 5. *Per alterius latus peti*, *Cic. Vat.* 5. *Latus apertum vel nudum dare*, to expose one's self to danger, *Tibull.* i. 4. 46.

When any gladiator was wounded, the people exclaimed, *HABET*, sc. *vulnus*, vel *hoc habet*, he has got it. The gladiator lowered (*submittebat*) his arms as a sign of his being vanquished; but his fate depended on the pleasure of the people, who, if they wished him to be saved, pressed down their thumbs, (*pollicem premebant*), *Horat. Ep.* i. 18. 66.; if to be slain, they turned up their thumbs, (*pollicem vertebant*), *Juvenal.* iii. 36. (hence *laudare utroque pollice*, i. e. *valde*, *Horat. Ep.* i. 18. 66.) and ordered him to receive the sword, (*ferrum recipere*), which gladiators usually submitted to with amazing fortitude, *Cic. Sext.* 37.; *Tusc.* ii. 17.; *Mil.* 34.; *Senec. Ep.* 7. *de Tranquil. Animi*, c. 11.; *Const. Sap.* 16. Sometimes a gladiator was rescued by the entrance of the Emperor, *Ovid. de Pont.* ii. 8. 53. or by the will of the *Editor*.

The rewards given to the victors were a palm, *Martial, de Spect.* 32. money, *Suet. Claud.* 21.; *Juv.* vii. ult. and a rod or wooden sword, (*rudis*), as a sign of their being discharged from fighting; which was granted by the *Editor*, at the desire of the people, to an old gladiator, or even to a novice for some uncommon act of courage. Those who received it (*rude donati*) were called *RUDIARII*, and fixed up their arms in the temple of Hercules, *Horat. Ep.* i. 1. But they sometimes were afterwards induced by a great hire (*ingente auctoramento*) again to engage, *Suet. Tib.* 7. Those who were dismissed on account of age or weakness, were said *deluisse*, *Plin.* xxxvi. 27.

The spectators expressed the same eagerness by betting (*sponsionibus*) on the different gladiators, as in the *Circus*, *Suet. Tit.* 8.; *Domit.* 10.; *Martial.* ix. 68.

III. DRAMATIC ENTERTAINMENTS.

Dramatic entertainments, or stage-plays (*ludi scenici*), were first introduced at Rome, on account of a pestilence, to appease the divine wrath, A. U. 391. Before that time there had only been the games of the *Circus*. They were called LUDI SCENICI, because they were first acted in a shade, (*σξία umbra*), formed by the branches and leaves of trees, *Ovid. de Art. Am.* i. 105.; *Serv. in Virgil. Æn.* i. 164. or in a tent, (*σξνη, tabernaculum*): Hence afterwards the front of the theatre, where the actors stood, was called SCENA, and the actors, SCENICI, *Suet. Tib.* 34.; *Cic. Planc.* 11.; *Verr.* iii. 79.; or, SCENICI ARTIFICES, *Suet. Cæs.* 84.

Stage-plays were borrowed from *Etruria*; whence players (*ludiones*) were called HISTRIONES, from a Tuscan word *hister*, i. e. *ludio*; for players also were sent for from that country.

These Tuscans did nothing at first but dance to a flute, (*ad tibicinis modos*), without any verse or corresponding action. They did not speak, because the Romans did not understand their language.

The Roman youth began to imitate them at solemn festivals, especially at harvest-home, throwing out railery against one another in unpolished verse, with gestures adapted to the sense. These verses were called VERSUS FESCENNINI, from *Fescennia*, or *-ium*, a city of *Etruria*, *Horat. Epist.* II. i. 139.

Afterwards, by frequent use, the entertainment was improved, (*sepius usurpando res excitata est*), and a new kind of dramatic composition was contrived, called SATYRÆ or *Satūra*, *Satires*, because they were filled with various matter, and written in various kinds of verse, in allusion to what was called LANX SATURA, a platter or charger filled with various kinds of fruits, which they yearly offered to the gods at their festivals,

as the *Primitia* or first gatherings of the season. Some derive the name from the petulance of the *Satyr*s.

These satires were set to music, and repeated with suitable gestures, accompanied with the flute and dancing. They had every thing that was agreeable in the Fescennine verses without their obscenity. They contained much ridicule and smart repartee; whence those poems afterwards written to expose vice got the name of satires; as, the *satires* of Horace, of Juvenal, and Persius.

It was LIVIUS ANDRONICUS, the freed-man of M. Livius Salinator, and the preceptor of his sons, who giving up satires, (*ab saturis*, i. e. *saturis relictis*), first ventured to write a regular play, (*argumento fabulam ferere*), A. U. 512, above 160 years after the death of Sophocles and Euripides, and about fifty-two years after that of Menander, *Gell.* xvii. 21.

He was the actor of his own compositions, as all then were. Being obliged by the audience frequently to repeat the same part, and thus becoming hoarse, (*quum vocem obtudisset*), he asked permission to employ a boy to sing to the flute, whilst he acted what was sung, (*canticum agebat*), which he did with the greater violence, as he was not hindered by using his voice. Hence actors used always to have a person at hand to sing to them, and the colloquial part (*diverbia*) only was left them to repeat. It appears there was commonly a song at the end of every act, *Plaut.* *Pseud.* ii. ult.

Plays were afterwards greatly improved at Rome from the model of the Greeks, by NÆVIUS, ENNIUS, PLAUTUS, CÆCILIUS, TERENCE, AFRANIUS, PACUVIUS, ACCIUS, &c.

After playing was gradually converted into an art, (*ludus in artem paulatim verterat*), the Roman youth, leaving regular plays to be acted by professed players, reserved to themselves the acting of ludicrous pieces or farces, interlarded with much ribaldry and buffoonery, called EXODIA, *Juvenal.* iii. 175. vi. 71.; *Suet. Tib.* 45.; *Domit.* 10. because they were usually introduced

after the play, when the players and musicians had left the stage, to remove the painful impressions of tragic scenes, *Scholiast. in Juvenal. iii. 175.*; or, FABELLÆ ATTELLANÆ, *Liv. vii. 2.*; or, LUDI OSCI, *Cic. Fam. vii. 1.*; LUDICRUM OSCUM, *Tacit. from Atella*, a town of the *Osci* in Campania, where they were first invented and very much used.

The actors of these farces (*Atellani vel Atellanarum actores*), retained the rights of citizens (*non tribu moti sunt*), and might serve in the army, which was not the case with common actors, who were not respected among the Romans as among the Greeks, but were held infamous, *Ulpian. l. 2. § 5. D. de his qui not. infam.—Nep. Prefat.; Suet. Tib. 35.*

Dramatic entertainments, in their improved state, were chiefly of three kinds, *Comedy, Tragedy, and Pantomimes.*

1. Comedy, (COMÆDIA, *quasi κομῆς πόδι*, the song of the village), was a representation of common life, (*quotidianæ vitæ speculum*), written in a familiar style, and usually with a happy issue. The design of it was to expose vice and folly to ridicule.

Comedy among the Greeks was divided into old, middle, and new. In the first, real characters and names were represented; in the second, real characters, but fictitious names; and in the third, both fictitious characters and names. *Eupolis, Cratinus, and Aristophanes* excelled in the old comedy, and *Menander*, in the new, *Horat. Sat. i. 4.; Epist. ii. 1. 57.; Quintil. x. 1.* Nothing was ever known at Rome but the new comedy.

The Roman comic writers, *Nævius, Afranius, Plautus, Cæcilius, and Terence*, copied from the Greek, chiefly from MENANDER, who is esteemed the best writer of comedies that ever existed, *Quintil. x. 1.*; but only a few fragments of his works now remain. We may, however, judge of his excellence from Terence his principal imitator.

Comedies

Comedies among the Romans were distinguished from the character and dress of the persons introduced on the stage. Thus comedies were called *TOGATÆ*, in which the characters and dress were Roman, from the Roman *toga*, Juvenal i. 3.; Horat. Art. Poet. 288. *PRÆTEXTATÆ*, vel *Prætextæ*, when magistrates and persons of dignity were introduced; but some take these for tragedies, *Ibid.* *TRABEATÆ*, when generals and officers were introduced, *Suet. Gramm.* 21. *TABERNARIÆ*, when the characters were of low rank, *Horat. Art. Poet.* 225. *PALLIATÆ*, when the characters were Grecian, from *pallium* the robe of the Greeks. *MOTORIÆ*, when there were a great many striking incidents, much action, and passionate expressions. *STATARIÆ*, when there was not much bustle or stir, and little or nothing to agitate the passions; and *MIXTÆ*, when some parts were gentle and quiet, and others the contrary, *Terent. Heaut. prol. Donat. in Terent. Cic. Brut.* 116. The representations of the *Atellani* were called *Comædiæ Atellanæ*.

The actors of comedy wore a low-heeled shoe, called *Soccus*.

Those who wrote a play, were said *docere* vel *facere fabulam*; if it was approved, it was said *stare*, *stare recto talo*, *placere*, &c. if not, *cadere*, *exigi*, *exsibilari*, &c.

II. *TRAGEDY* is the representation of some one serious and important action, in which illustrious persons are introduced, as, heroes, kings, &c. written in an elevated style, and generally with an unhappy issue. The great end of tragedy was to excite the passions, chiefly pity and horror; to inspire the love of virtue and an abhorrence of vice, *Cic. de Orat.* i. 51. It had its name, according to Horace, from *τράγος*, a goat, and *ᾠδή*, a song; because a goat was the prize of the person who produced the best poem, or was the best actor, *de Art. Poet.* 220. to which Virgil alludes, *Ecl.* iii. 22.; according to others, because such a poem was acted at the festival of Bacchus after vintage, to whom a goat was then sacrificed, as being the destroyer of the vines;

vines; and therefore it was called *τράγῳδια*, the goat's song. (*Primi ludi theatrales ex Liberalibus nati sunt*, from the feasts of Bacchus, *Serv. ad Virg. G. ii. 381.*)

THESPIIS, a native of Attica, is said to have been the inventor of tragedy, about 536 years before Christ. He went about with his actors from village to village in a cart, on which a temporary stage was erected, where they played and sung, having their faces besmeared with the lees of wine, (*peruncti facibus ora*), *Horat. de Art. Poet. 275.*; whence, according to some, the name of tragedy, (from *τρυῖς*, -υγος, new wine not refined, or the lees of wine, and *ἶδος*, a finger: hence *τρυγῶδες*, a finger thus besmeared, who threw out scoffs and railery against people).

Thespis was cotemporary with Solon, who was a great enemy to his dramatic representations, *Plutarch. in Sol.*

Thespis was succeeded by Æschylus, who erected a permanent stage, (*modicis instravit pulpita tignis*), and was the inventor of the mask, (*persona*), of the long flowing robe, (*palla, stola, vel syrma*), and of the high-heeled shoe or buskin, (*cothurnus*), which tragedians wore: whence these words are put for a tragic style, or for tragedy itself, *Juvenal. viii. 229. xv. 30.*; *Martial. iii. 20. iv. 49. v. 5. viii. 3.*; *Horat. Od. ii. 1. 12.* as *foccus* is put for comedy or a familiar style, *Id. Epist. ii. 174.*; *Art. Poet. 80. 90.* *Nec comædia in cothurnos affurgit, nec contra tragædia focco ingreditur, Quintil. x. 2.*

As the ancients did not use breeches, the players always wore under the tunic a girdle or covering; (*SUBLIGACULUM vel SUBLIGAR verecundiæ causâ*), *Cic. Off. i. 35.*; *Juvenal. vi. 60.*; *Martial. iii. 87.*

After Æschylus followed SOPHOCLES and EURIPIDES, who brought tragedy to the highest perfection. In their time comedy began first to be considered as a distinct composition from tragedy; but at Rome comedy was long cultivated, before any attempt was made to compose tragedies. Nor have we any Roman tragedies

dies extant, except a few, which bear the name of Seneca. Nothing remains of the works of Ennius, Pacuvius, Accius, &c. but a few fragments.

Every regular play, at least among the Romans, was divided into five acts, *Horat. Art. Poet.* 189.; the subdivision into scenes is thought to be a modern invention.

Betwixt the acts of a tragedy were introduced a number of singers called the CHORUS, *Horat. de Art. Poet.* 193. who indeed appear to have been always present on the stage. The chief of them, who spoke for the rest, was called *Choragus* or *Coryphaeus*. But CHORAGUS is usually put for the person who furnished the dresses, and took care of all the apparatus of the stage, *Plaut. Pers.* i. 3. 79.; *Trinumm.* iv. 2. 16.; *Suet. Aug.* 70. and *choragium* for the apparatus itself, (*instrumentum scenarum*, Fest.) *Plaut. Capt. prol.*; *Plin.* xxxvi. 15. *choragia* for *choragi*, *Vitruv.* v. 9.: hence *falsa choragium gloria*, something that one may boast of, *Cic. ad Herenn.* iv. 50.

The *Chorus* was introduced in the ancient comedy, as we see from Aristophanes; but when its excessive licence was suppressed by law, the *chorus* likewise was silenced, *Horat. Art. Poet.* 283.

The music chiefly used was that of the flute, which at first was small and simple, and of few holes, *Horat. Art. Poet.* 202.; but afterwards it was bound with brass, had more notes, and a louder sound.

Some flutes were double, and of various forms. Those most frequently mentioned, are the *Tibia dextra* and *sinistra*, *pares* and *impares*, which have occasioned so much disputation among critics, and still appear not to be sufficiently ascertained. The most probable opinion is, that the double flute consisted of two tubes, which were so joined together as to have but one mouth, and so were both blown at once. That which the musician played on with his right hand was called *tibia dextra*, the right-handed flute; with his left, *tibia sinistra*, the left-handed flute. The former had but few holes, and sounded a deep serious base; the other had more holes, and a sharper and more lively tone. When two
right

right or two left handed flutes were joined together, they were called *tibiæ pares dextræ*, or *tibiæ pares sinistræ*. The flutes of different sorts were called *tibiæ impares*, or *tibiæ dextræ et sinistræ*. The right handed flutes were the same with what were called the Lydian flutes, (*Tibiæ Lydia*), and the left-handed with the Tyrian flutes, (*Tibiæ Tyriæ* or *Sarranæ*, vel *Serranæ*). Hence Virgil, *Biforem dat tibia cantum*, i. e. *bifonum, imparum*, *Æn.* ix. 618. Sometimes the flute was crooked, *Virg. Æn.* vii. 737.; *Ovid. Met.* iii. 532. and is then called *Tibia Phrygia* or *cornu*, *Id. de Pont.* I. i. 39.; *Fast.* iv. 181.

III. PANTOMIMES, were representations by dumb-shew; in which the actors, who were called by the same name with their performances, (*Mimi* vel *Pantomimi*), expressed every thing by their dancing and gestures without speaking, (*loquaci manu*; hence called also *Chironōmi*), *Juvenal.* xiii. 110. vi. 63.; *Ovid. Trist.* ii. 515.; *Mart.* iii. 86.; *Horat.* i. 18. 13. ii. 2. 125.; *Manil.* v. 474.; *Suet. Ner.* 54. But *Pantomimi* is always put for the actors, who were likewise called *Planipedes*, because they were without shoes, (*excalceati*), *Senec. Epist.* 8.; *Quintil.* v. 11.; *Juvenal.* viii. 191.; *Gell.* i. 11. They wore, however, a kind of wooden or iron sandals, called *SCABILLA* or *Scabella*, which made a rattling noise when they danced, *Cic. Cæl.* 27.; *Suet. Cal.* 54.

The Pantomimes are said to have been the invention of Augustus; for before his time the *Mimi* both spoke and acted.

MIMUS is put both for the actor and for what he acted, *Cic. Cæl.* 27.; *Verr.* iii. 36.; *Rabir. Post.* 12.; *Phil.* ii. 27. not only on the stage, but elsewhere, *Suet. Cæs.* 39.; *Ner.* 4.; *Oth.* 3.; *Calig.* 45.; *Aug.* 45. 100.; *Sen. Ep.* 80.; *Juv.* viii. 198.

The most celebrated writers of mimical performances or farces, (*mimographi*), were Laberius and Publius Syrus, in the time of Julius Cæsar, *Suet. Jul.* 39.; *Horat. Sat.* i. 10. 6.; *Gell.* xvii. 14.

The

The Romans had rope-dancers (*FUNAMBULI*, *Schand-batæ* vel *Neurobätæ*), who used to be introduced in the time of the play, *Ter. Hec. prol.* 4. 34.; *Juvenal.* iii. 77.; and persons who seemed to fly in the air, (*PETAURISTÆ*), who darted (*jaſtabant* vel *excutiebant*) their bodies from a machine called *Petaurum*, vel -us, *Festus*; *Juvenal.* xiv. 265.; *Manil.* iii. 438.; *Martial.* ii. 86.; also interludes or musical entertainments, called *EMBO-LIA*, *Cic. Sext.* 54. or *ACROAMATA*; but this last word is usually put for the actors, musicians, or repeaters themselves, who were also employed at private entertainments, *Cic. ibid.*; *Verr.* iv. 22.; *Arch.* 9.; *Suet. Aug.* 74.; *Macrobian.* Sat. ii. 4.; *Nep. Att.* 14.

The plays were often interrupted likewise by the people calling out for various shews to be exhibited; as, the representation of battles, triumphal processions, gladiators, uncommon animals, and wild beasts, &c. The noise which the people made on these occasions, is compared by Horace to the raging of the sea, *Epist.* II. i. 185. &c. In like manner, their approbation, (*plausus*), and disapprobation, (*sibilus*, *strepitus*, *fremitus*, *clamor tonitruum*, *Cic. viii.* 2. *fiſtula paſtoritia*, *Att.* i. 16.) which at all times were so much regarded, *Cic. Pis.* 27.; *Sext.* 54. 55. 56. &c.; *Horat. Od.* i. 20. ii. 17.

Those who acted the principal parts of a play, were called *Actores primarum partium*; the second, *secundarum partium*; the third, *tertiarum*, &c. *Ter. Phorm.* prol. 28.; *Cic. in Cæcil.* 15.; *Ascon. in loc.*

The actors were applauded or hissed as they performed their parts, or pleased the spectators, *Quintil.* vi. 1.; *Cic. Rosc. Com.* 2.; *Att.* i. 3. 16. When the play was ended, an actor always said *PLAUDITE*, *Terent.* & *Plaut.*

The place where dramatic representations were exhibited, was called *THEATRUM*, a theatre, (*a didoſſas, video*). In ancient times the people viewed the entertainment standing; and, A. U. 599, a decree of the senate was made, prohibiting any one to make seats for that purpose in the city, or within a mile of it. At the same

same time a theatre, which was building by the appointment of the cenfors, was ordered to be pulled down, as a thing hurtful to good morals, (*nocituum publicis moribus*), *Liv. Epit. xlviii.*; *Val. Max. ii. 4. 3.*

Afterwards temporary theatres were occasionally erected. The most splendid was that of M. Æmilius Scaurus, when ædile, which contained 80,000 persons, and was adorned with amazing magnificence, and at an incredible expence, *Plin. xxxvi. 15.*

Pompey first reared a theatre of hewen stone in his second consulship, which contained 40,000; but that he might not incur the animadversion of the cenfors, he dedicated it as a temple to Venus, *Suet. Claud. 21.*; *Tertull. de Spect. 10.* There were afterwards several theatres, and in particular those of Marcellus and Balbus, near that of Pompey, *Ovid. Trist. iii. 12. 23.*; *Amor. ii. 7. 3.*; hence called *tria theatra*, the three theatres, *Suet. Aug. 45.*; *Ovid. Art. iii. 394.*

Theatres at first were open at top, and in excessive heat or rain coverings were drawn over them, as over the amphitheatre, *Lucret. iv. 73.*; but in later times they were roofed, *Stat. Sylv. iii. 5. 91.*

Among the Greeks public assemblies were held in the theatre, *Cic. Flacc. 7.*; *Tacit. ii. 80.*; *Senec. Epist. 108.* And among the Romans it was usual to scourge malefactors on the stage, *Suet. Aug. 45.* This the Greeks called *Θιατριζεν* et *παρὰδρυματιζεν*.

The theatre was of an oblong semicircular form, like the half of an amphitheatre, *Plin. xxxvi. 16.* The benches or seats (*gradus vel cunei*) rose above one another, and were distributed to the different orders in the same manner as in the amphitheatre. The foremost rows next the stage, called *Orchestra*, were assigned to the senators and ambassadors of foreign states; fourteen rows behind them to the *equites*, and the rest to the people, *Suet. Aug. 44.* The whole was called CAVEA. The foremost rows were called *Cavea prima*, or *ima*; the last, *cavea ultima* or *summa*, *Cic. Senect. 14.* The middle, *cavea media*, *Suet. ibid.*

The

The parts of the theatre allotted to the performers, were called *Scena*, *Postscenium*, *Proscenium*, *Pulpitum*, and *Orchestra*:

1. *SCENA*, the scene, was adorned with columns, statues, and pictures of various kinds, according to the nature of the plays exhibited, *Vitruv.* v. 8. to which Virgil alludes, *Æn.* i. 166. 432. The ornaments sometimes were inconceivably magnificent, *Val. Max.* ii. 4. 6.

When the scene was suddenly changed by certain machines, it was called *SCENA VERSATILIS*, when it was drawn aside, *SCENA DUCTILIS*, *Serv. ad Virg. G.* iii. 24.

The scenery was concealed by a curtain, (*AULÆUM* vel *Siparium*, oftener plur -a), which, contrary to the modern custom, was dropt (*premebatur*) when the play began, and raised (*tollebatur*) when the play was over; sometimes also between the acts, *Horat. Ep.* ii. 1. 189.; *Art. Poet.* 154.; *Ovid. Met.* iii. 111.; *Juvenal.* vi. 167. The machine by which this was done was called *EXOSTRA*, *Cic. prov. Conf.* 6. Curtains and hangings of tapestry were also used in private houses, *Virg. Æn.* i. 701.; *Horat. Od.* iii. 29. 15.; *Sat.* ii. 8. 54. called *Aulea Attalica*, because said to have been first invented at the court of Attalus, *Propert.* ii. 23. 46.; *Serv. in Virg. Æn.* i. 701.

2. *POSTSCENIUM*, the place behind the scene, where the actors dressed and undressed; and where those things were supposed to be done, which could not with propriety be exhibited on the stage, *Horat. de Art. p.* 182.; *Lucret.* iv. 1178.

3. *PROSCENIUM*, the place before the scene, where the actors appeared.

The place where the actors recited their parts was called *PULPITUM*; and the place where they danced, *ORCHESTRA*, which was about five feet lower than the *Pulpitum*, *Vitruv.* v. 6.

MI-

MILITARY AFFAIRS of the ROMANS.

The Romans were a nation of warriors. Every citizen was obliged to enlist as a soldier when the public service required, from the age of seventeen to forty-six; nor at first could any one enjoy an office in the city, who had not served ten campaigns, *Polyb.* vi. 17. Every foot-soldier was obliged to serve twenty campaigns, and every horseman ten. At first none of the lowest class were enlisted as soldiers, nor freedmen, unless in dangerous junctures, *Liv.* x. 21. xxii. 11 57. But this was afterwards altered by Marius, *Sallust.* *Jug.* 86.; *Gell.* xvi. 10.

The Romans, during the existence of their republic, were almost always engaged in wars; first with the different states of Italy for near 500 years, and then for about 200 years more in subduing the various countries which composed that immense empire.

The Romans never carried on any war without solemnly proclaiming it. This was done by a set of priests called *FECIALES*.

When the Romans thought themselves injured by any nation, they sent one of these *Feciales* to demand redress, (*ad res repetendas*), *Liv.* iv. 30. and if it was not immediately given, thirty-three days were granted to consider the matter, after which war might be justly declared. Then the *Fecialis* again went to their confines, and having thrown a bloody spear into them, formally declared war against that nation, *Liv.* i. 32. Afterwards

wards when the empire was enlarged, and wars carried on with distant nations, this ceremony was performed in a certain field near the city, which was called *AGER HOSTILIS*, *Ovid. Fast.* vi. 205.

In the first ages of the republic, four legions for the most part were annually raised, two to each consul; for two legions composed a consular army. But often a greater number was raised, ten, *Liv.* ii. 30. vii. 35.; eighteen, xxiv. 11.; twenty-one, xxvi. 28. xxvii. 24.; twenty-three, xx. 1. xxvii. 38.; twenty, xxx. 2. Under Tiberius twenty-seven, even in time of peace, besides the troops in Italy, and the forces of the allies, *Tacit. Ann.* iv. 5.

The consuls after they entered on their office, appointed a day (*diem edicebant*, vel *indicebant*), on which all those who were of the military age should be present in the Capitol, *Liv.* xxvi. 31.

On the day appointed the consuls, seated in their curule chairs, held a levy (*delectum habebant*), by the assistance of the military or legionary tribunes, unless hindered by the tribunes of the commons, *Liv.* iii. 11. iv. 1. It was determined by lot in what order the tribes should be called.

The consuls ordered such as they pleased to be cited out of each tribe, and every one was obliged to answer to his name under a severe penalty, *Liv.* iii. 41.; *Gell.* xi. 1.; *Val. Max.* vi. 3. 4. They were careful to chuse (*legere*) those first, who had what were thought lucky names, (*bona nomina*), as, *Valerius*, *Salvius*, *Statorius*, &c. *Cic. Div.* i. 45.; *Festus in voc.* *LACUS LUCRINUS*. Their names were written down on tables; hence *scribere*, to enlist, to levy or raise.

In certain wars, and under certain commanders, there was the greatest alacrity to enlist, (*nomina dare*), *Liv.* x. 25. xlii. 32.; but this was not always the case. Sometimes compulsion (*coërcitio*) was requisite; and those who refused, (*refractarii, qui militiam detrectabant*), were forced to enlist (*sacramento adacti*) by fines and corporal punishment, (*damno et virgis*), *Liv.* iv. 53. vii. 4. Sometimes they were thrown into prison, *Ibid.*; *Dionys.* viii. x. or sold as slaves, *Cic. Cæcin.* 34. Some

cut off their thumbs or fingers to render themselves unfit for service: Hence *pollice trunci*, poltroons. But this did not screen them from punishment, *Suet. Aug.* 24.; *Val. Max.* vi. 33.

There were, however, several just causes of exemption from military service, (*vacationis militiae vel a militia*), of which the chief were, Age, (*Ætas*), if above fifty, *Liv.* xlii. 33. 34.; Disease or infirmity, (*morbus vel vitium*), *Suet. Aug.* 24.; Office, (*honor*), being a magistrate or priest, *Plutarch. in Camill. vers. fin.*; Favour or indulgence (*beneficium*) granted by the senate or people, *Cic. Phil.* v. 19.; *de nat. D.* ii. 2.; *Liv.* xxxix. 19.

Those also were excused who had served out their time, (*Emeriti, qui stipendia explevisent*). Such as claimed this exemption, applied to the tribunes of the commons, who judged of the justice of their claims, (*causas cognoscebant*), and interposed in their behalf or not as they judged proper. But this was sometimes forbidden by a decree of the senate, *Liv.* xxxiv. 56. And the tribunes themselves sometimes referred the matter to the consuls, *Liv.* xlii. 32. 33. &c.

In sudden emergencies, or in dangerous wars, as a war in Italy, or against the Gauls, which was called TUMULTUS, (*quasi timor multus, vel a tumeo*), *Cic. Phil.* v. 31. viii. 1.; *Quintil.* vii. 3.; no regard was had to these excuses, (*delectus sine vacationibus habitus est*), *Liv.* vii. 11. 28. viii. 20. x. 21. Two flags were displayed (*vexilla sublata vel prolata sunt*) from the Capitol, the one red (*roseum*), to summon the infantry, (*ad pedites evocandos*), and the other green, (*cæruleum*), to summon the cavalry, *Serv. in Virg.* viii. 4.

On such occasions, as there was not time to go through the usual forms, the consul said, QUI REMPUBLICAM SALVAM ESSE VULT, ME SEQUATUR. This was called CONJURATIO or *evocatio*, and men thus raised, CONJURATI, *Liv.* xxii. 38.; *Cæs. de bell. G.* vii. 1. who were not considered as regular soldiers, *Liv.* xlv. 2.

Soldiers raised upon a sudden alarm, (*in tumultu, nam TUMULTUS nonnunquam levior quam bellum*, *Liv.* ii. 26.) were called SUBITARIi, (*ita repentina auxilia appellabant*),

labant), *Liv.* iii. 4. 30. or *TUMULTUARI*, *Liv.* xxxv. 2. not only at Rome, but also in the provinces, *Ibid.* & xl. 26. when the sickly or infirm were forced to enlist, who were called *CAUSARII*, *Liv.* vi. 6.

The cavalry were chosen from the body of the *Equites*, and each had a horse and money to support him, given them by the public, *Liv.* i. 43.

On extraordinary occasions some *Equites* served on their own horses, *Liv.* v. 7. But that was not usually done; nor were there, as some have thought, any horse in the Roman army, but from the *Equites*, till the time of *Marius*, who made a great alteration in the military system of the Romans.

After that period the cavalry was composed not merely of Roman *equites*, as formerly, but of horsemen raised from Italy and the provinces; and the infantry consisted chiefly of the poorer citizens or of mercenary soldiers, which is justly reckoned one of the chief causes of the ruin of the republic.

After the levy was completed, one soldier was chosen to repeat over the words of the military oath, (*qui reliquis verba sacramenti præiret*), and the rest swore after him, (*in verba ejus jurabant*). Every one as he passed along said, *IDEM IN ME*, *Festus* in *PRÆJURATIONES*, *Liv.* ii. 45.

The form of the oath does not seem to have been always the same. The substance of it was, that they would obey their commander, and not desert their standards, &c. *Liv.* iii. 20. xxii. 38.; *Gell.* xvi. 4. Sometimes those below seventeen were appointed to take the military oath, (*sacramento vel -um dicere*), *Liv.* xxv. 5.

Without this oath no one could justly fight with the enemy, *Cic. Off.* i. 11. Hence *sacramenta* is put for a military life, *Juvenal.* xvi. 35. Livy says, that it was first legally exacted in the second Punic war, xxii. 38. where he seems to make a distinction betwixt the oath (*SACRAMENTUM*) which formerly was taken voluntarily, when the troops were embodied, and each *decuria*

of cavalry, and *century* of foot, swore among themselves (*inter se equites decuriati, pedites centuriati conjurabant*), to act like good foldiers, (*se se fugæ ac formidinis ergò non abituros, neque ex ordine recessuros*), and the oath (*JUS-JURANDUM*) which was exacted by the military tribunes after the levy, (*ex voluntario inter ipsos fœdere a tribunis ad legitimam jurisjurandi actionem translatum*).

On occasion of a mutiny, the military oath was taken anew, *Liv. xxviii. 29.*

Under the emperors the name of the prince was inserted in the military oath, *Tacit. Hist. iv. 31.*

On certain occasions persons were sent up and down the country to raise foldiers, called *CONQUISITOR*, and the force used for that purpose, *COERCITIO* vel *Conquisitio*, a press or impress, *Liv. xxi. 11. xxiii. 32.; Cic. de Prov. Cons. 2.; Att. vii. 21.; Hist. de Bell. Alex. 2.* Sometimes particular commissioners (*triumviri*) were appointed for that purpose, *Liv. xxv. 5.*

Veteran foldiers who had served out their time, were often induced again to enlist, who were then called *EVOCATI*, *Liv. xxxvii. 4.; Cic. Fam. iii. 7.; Cæs. bell. civ. iii. 53.; Sallust. Jug. 84.* Galba gave this name to a body of *equites*, whom he appointed to guard his person, *Suet. Galb. 10.* The *Evocati* were exempted from all the drudgery of military service, (*cæterorum immunes, nisi propulsandi hostis*), *Tacit. Annal. i. 36.*

After *Latium* and the states of Italy were subdued, or admitted into alliance, they always furnished at least an equal number of infantry with the Romans, and the double of cavalry, *Liv. viii. 8. xxii. 36.* sometimes more. (See p. 70.) The consuls, when about to make a levy, sent them notice what number of troops they required, (*Ad socios Latinumque nomen ad milites ex formula accipiendos mittunt, arma, tela, alia parari jubent*, *Liv. xxii. 57.*) and at the same time appointed the day and place of assembling, (*ubi convenirent*), *Liv. xxxiv. 56. xxxvii. 4.*

The forces of the allies seem to have been raised (*scripti vel conscripti*), much in the same manner with those

those of the Romans. They were paid by their own states, *Liv.* xxvii. 11. and received nothing from the Romans but corn; on which account they had a paymaster (*Quæstor*) of their own, *Polyb.* 6. But when all the Italians were admitted into the freedom of the city, their forces were incorporated with those of the republic.

The troops sent by foreign kings and states were called auxiliaries, (*AUXILIARES milites vel AUXILIA*, ab *augeo*, *Cic. Att.* vi. 5.; *Varr. & Fest.*).

They usually received pay and clothing from the republic, although they sometimes were supported by those who sent them.

The first mercenary soldiers in the Roman army, are said to have been the Celtiberians in Spain, *A. U.* 537, *Liv.* xxiv. 49. But these must have been different from the auxiliaries, who are often mentioned before that time, *Liv.* xxi. 46. 48. 55. 56. xxii. 22.

Under the emperors the Roman armies were in a great measure composed of foreigners; and the provinces saw with regret the flower of their youth carried off for that purpose, *Tacit. Hist.* iv. 14.; *Agric.* 31.

Each district was obliged to furnish a certain number of men, in proportion to its extent and opulence.

DIVISION of the Troops in the Roman Army; their Arms, Officers, and Dress.

After the levy was completed, and the military oath administered, the troops were formed into legions, (*LEGIO a legendo, quia milites in delectu legebantur, Varro*).

Each legion was divided into ten cohorts, each cohort into three *maniples*, and each *maniple* into two centuries, (*MANIPULUS, ex manipulo vel fasciculo feni, hasta vel pertica longæ alligato, quem pro signo primum gerebat, Ovid. Fast.* iii. 117.). So that there were thirty maniples, and sixty centuries in a legion, *Gell.* xvi. 4.;

and if there had always been 100 men in each *century*, as its name imports, the legion would have consisted of 6000 men. But this was not the case.

The number of men in a legion was different at different times, *Liv.* vii. 25. viii. 8. xxvi. 28. xxix. 24. xlii. 31. xliii. 12.; *Cæs. B. C.* iii. 106.; *B. M.* 69. In the time of Polybius it was 4200.

There were usually 300 cavalry joined to each legion, called *JUSTUS EQUITATUS*, or *ALA*, *Ibid.* They were divided into ten *turma* or troops; and each *turma* into three *decuria*, or bodies of ten men.

The different kinds of infantry which composed the legion were three, the *Hastati*, *Principes*, and *Triarii*.

The *HASTATI* were so called, because they first fought with long spears, (*hasta*), which were afterwards laid aside as inconvenient, *Varro de Lat. ling.* iv. They consisted of young men in the flower of life, and formed the first line in battle, *Liv.* viii. 8.

The *PRINCIPIES* were men of middle age in the vigour of life; they occupied the second line. Anciently they seem to have been posted first; whence their name, *Ibid.*

The *TRIARII* were old soldiers of approved valour, who formed the *third* line; whence their name. They were also called *PILANI*, from the *Pilum* or javelin which they used; and the *Hastati* and *Principes*, who stood before them, *ANTEPILANI*.

There was a fourth kind of troops called *VELITES*, from their swiftness and agility, (a *volando vel velocitate*), the light-armed soldiers, (*militēs levis armaturæ*, vel *expediti*, vel *levis armatura*), first instituted in the second Punic war, *Liv.* xxvi. 4. They were not formed into cohorts nor maniples, and had no certain post assigned them; but fought in scattered parties where occasion required, usually before the lines. To them were joined the slingers and archers, (*FUNDITORES Balearēs, Achæi*, &c. *Liv.* xxi. 21. xxviii. 37. xxxviii. 21. 29.; *SAGITTARII Cretenses, Arabes*, &c. *Liv.* xxxvii. 40. xlii. 35.

The

The light-armed troops were anciently called *Feren-
tarii*, *Rorarii*, and, according to some, *Accensi*. Others
make the *Accensi* supernumerary soldiers, who attended
the army to supply the place of those legionary soldiers
who died or were slain, *Festus in* *ADSCRIPTITII*; *Varro*.
In the mean time, however, they were ranked among
the light-armed troops.

The soldiers were often denominated, especially un-
der the emperors, from the number of the legion in
which they were; thus, *Primani*, the soldiers of the
first legion; *Secundani*, *Tertiani*, *Quartani*, *Quintani*,
Decimani, *Tertiadecimani*, *Vicesimani*, *Duodevicesimani*,
Duo et vicesimani, &c. *Tacit. Hist.* iv. 36. 37. iii. 27.
v. 1.; *Suet. Jul.* 70.

The *Velites* were equipped with bows, slings, seven
javelins or spears with slender points like arrows, so
that when thrown, they bent and could not easily be
returned by the enemy, (*quorum telum inhabile ad re-
mittendum imperitis est*), *Liv.* xxiv. 34. A Spanish
sword having both edge and point, (*quo casum et punctum
petebant*, *Liv.*) a round buckler (*PARMA*) about three
feet in diameter, made of wood and covered with lea-
ther; and a helmet or cask for the head, (*GALEA
vel Galērus*), generally made of the skin of some wild
beast to appear the more terrible.

The arms of the *Hastati*, *Principes*, and *Triarii*,
both defensive (*arma ad tegendum*) and offensive (*tela
ad petendum*) were in a great measure the same:

— 1. An oblong shield (*SCUTUM*) with an iron
boss (*UMBO*) jutting out in the middle, four feet long
and two feet and a half broad, made of wood, joined
together with little plates of iron, and the whole co-
vered with a bull's hide: Sometimes a round shield
(*CLYPEUS*) of a smaller size.

— 2. A head piece (*GALEA vel Cassis v. -īda*) of
brass or iron, coming down to the shoulders, but lea-
ving the face uncovered, *Flor.* iv. 2.; whence the com-
mand of Cæsar at the battle of Pharsalia, which in a
great measure determined the fortune of the day, FA-

CIEM FERI, MILES, *Flor.* iv. 2. Upon the top of the helmet was the crest, (CRISTA), adorned with plumes of feathers of various colours.

—3. A coat of mail, (LORICA) generally made of leather, covered with plates of iron in the form of scales or iron rings twisted within one another like chains, (*hamis conferta*). Instead of the coat of mail, most used only a plate of brass on the breast, (*thorax vel pectorale*).

—4. Greaves for the legs, (OCREÆ), *Liv.* ix. 40.; *tegmina crurum*, *Virg. Æn.* xi. 777. sometimes only on the right leg, *Veget.* i. 20. and a kind of shoe or covering for the feet, called *Caliga*, set with nails, *Juvenal.* xvi. 24. used chiefly by the common soldiers, (*gregarii vel manipulares milites*), whence the Emperor *Caligula* had his name, *Suet. Cal.* ix. 52.; *Tacit. Annal.* i. 41.; *Cic. Att.* ii. 3. Hence *Caligatus*, a common soldier, *Suet. Aug.* 25. *Marius a caliga ad consulatum perductus*, from being a common soldier, *Senec. de ben.* v. 16.

—5. A sword and two long javelins, (PILA).

The cavalry at first used only their ordinary clothing for the sake of agility, that they might more easily mount their horses, for they had no stirrups, (STAPLÆ vel STAPEDÆ, as they were afterwards called). When they were first used is uncertain. There is no mention of them in the classics, nor do they appear in the ancient coins and statues. Neither had the Romans saddles such as ours, but certain coverings of cloth (*vestis stragula*) to sit on, called EPHIPPIA, *Horat. Ep.* i. 14. 44. with which a horse was said to be CONSTRATUS, *Liv.* xxi. 54. These the Germans despised, *Cæs. B. G.* iv. 2. The Numidian horse had no bridles, *Liv.* xxxv. 11.

But the Roman cavalry afterwards imitated the manner of the Greeks, and were armed much in the same manner with the foot.

Horsemen armed *cap-a-piè*, that is, completely from head

head to foot, were called LORICATI or CATAPHRACTI, *Liv.* xxxv. 48. xxxvii. 40.

In each legion there were six military tribunes (See p. 196.) who commanded under the consul, each in his turn, usually month about, *Liv.* xl. 41.; *Horat. Sat.* i. 6. 48. Under the emperors they were chosen chiefly from among the senators and *equites*; hence called LATICLAVII and ANGUSTICLAVII, *Suet. Oth.* 10.

The tribunes chose the officers who commanded the centuries (CENTURIONES vel *ordinum ductores*), from among the common soldiers, according to their merit, *Liv.* xlii. 34.; *Cæs.* vi. 39.; *Lucan.* i. 645. vi. 145. But this office (*centurionatus*) was sometimes disposed of by the consul or proconsul through favour, and even for money, *Cic. Pis.* 36.

The badge of a centurion was a vine-rod or sapling, (VITIS) *Tacit.* i. 23.; *Juvenal.* viii. 247.; *Ovid.* 1.; *Art. Am.* 527.; hence *vite donari*, to be made a centurion; *vitem poscere*, to ask that office, *Juvenal.* xiv. 193.

There were two centurions in each manipule called by the same name, but distinguished by the title *prior* former, and *posterior* latter, because the one was chosen and ranked before the other.

Under the emperors persons were made centurions all at once through interest, *Dio*, lii.

The centurion of the first century of the first manipule of the *Triarii*, was called *Centurio primi pili*, vel *primi ordinis*, *Liv.* xxv. 19. or *Primus pilus*, *primipilus*, or *primopilus*, *Cæs. B. G.* ii. 25. also *primus centurio*, *Liv.* vii. 41.; *Dux legionis*, (ὁ ἡγούμενος τοῦ τάγματος), *Dionys.* He presided over all the other centurions, and had the charge of the eagle (*aquila*), or chief standard of the legion, *Tacit. Hist.* iii. 22.; *Val. Max.* i. 6. 11. whereby he obtained both profit and dignity, being ranked among the *equites*, *Juvenal.* xiv. 197.; *Martial.* i. 32.; *Ovid. Amor.* iii. 8. 10. He had a place in the council of war with the consul and tribunes.

The centurion of the second century of the first manipule of the *Triarii*, was called *Primipilus posterior*: So the

the two centurions of the second maniple of *Triarii*, *Prior centurio*, and *posterior centurio secundi pili*; and so on to the tenth, who was called *Centurio decimi pili, prior et posterior*. In like manner *Primus princeps, secundus princeps*, &c. *Primus hastatus*, &c. Thus there was a large field for promotion in the Roman army, from a common soldier to a centurion; from being the lowest centurion of the tenth maniple of *Hastati*, (*decimus hastatus posterior*), to the rank of *Primipilus*, Liv. xlii. 34.

The centurions chose each two assistants or lieutenants, called *OPTIONES*, *Uragi*, or *Succenturiones*, Liv. viii. 8. *Festus* in *OPTIO*; and two standard-bearers or ensigns, (*SIGNIFERI vel Vexillarii*), Liv. v. 8. xxxv. 5.; *Tacit. Ann.* ii. 81.; *Hist.* i. 41. iii. 17.; *Cic. Divin.* i. 77.

Each *Turma* had three *DECURIONES* or commanders of ten, but he who was first elected commanded the troop. Each *decurio* had an *optio* or deputy under him, *Varro de Lat. ling.* iv. 16.

The troops of the allies (which, as well as the horse, were called *ALÆ*, from their being stationed on the wings, Liv. xxxi. 21.; *Gell.* xvi. 4.) had præfects (*PRÆFECTI*) appointed them, who commanded in the same manner as the legionary tribunes, *Cæs. B. G.* i. 39.; *Suet. Aug.* 38.; *Claud.* 35.; *Plin. Epist.* x. 19.

A third part of the horse, and a fifth of the foot of the allies were selected and posted near the consul, under the name of *EXTRAORDINARIJ*, and one troop called *ABLECTI* or *Selecti*, to serve as his life-guards, Liv. xxxv. 5.; *Polyb.* vi.

It is probable that the arms and inferior officers of the allied troops were much the same with those of the Romans.

Two legions, with the due number of cavalry, (*cum justo equitatu*), and the allies, formed what was called a consular army, about 20,000 men, Liv. x. 25.; in the time of Polybius, 18,600, *Polyb.* vi.

The consul appointed lieutenant-generals (*LEGATI*) under him, one or more, according to the importance

ance of the war, *Liv.* ii. 29. 59. iv. 17. x. 40. 43, &c.; *Sall. Cat.* 59.; *Jug.* 28.; *Cæs. de bell. civ.* ii. 17. iii. 51.

When the consul performed any thing in person, he was said to do it by his own conduct and auspices, (*ductu et auspicio suo*); but if his *legatus* or any other person did it by his command, it was said to be done *auspicio consulis et ductu legati*, by the auspices of the consul and conduct of the *legatus*. In this manner the emperors were said to do every thing by their auspices, although they remained at Rome, *Liv.* xli. 17. 28. *Ductu Germanici, auspiciis Tiberii*, *Tacit. Annal.* ii. 41.; *Horat. Od.* iv. 14. 33.; *Ovid. Trist.* ii. 173.

The military robe or cloak of the general was called **PALUDAMENTUM**, or *Chlamys*, of a scarlet colour bordered with purple; sometimes worn also by the chief officers, *Liv.* i. 26.; *Plin.* xvi. 3.; *Tacit. Ann.* xii. 56. *cum paludatis ducibus*, officers in red coats, *Juvenal.* vi. 399. and, according to some, by the lictors who attended the consul in war, *Liv.* xli. 10. xlv. 39.

The military cloak of the officers and soldiers was called **SAGUM**, an open robe drawn over the other clothes and fastened with a clasp, *Suet. Aug.* 26. opposed to *toga* the robe of peace. When there was a war in Italy, (*in tumultu*), all the citizens put on the *sagum*: Hence *Est in sagis civitas*, *Cic. Phil.* viii. 11.; *sumere saga, ad saga ire*; *et redire ad togas*, *Id.* v. 12. xiv. 1. also put for the general's robe; thus, *Punico lugubre mutavit sagum*, i. e. *deposuit coccineam chlamydem Antonius, et accepit nigram*, laid aside his purple robe and put on mourning, *Horat. Epod.* ix. 27.

DISCIPLINE of the ROMANS, their Marches and Encampments.

The discipline of the Romans was chiefly conspicuous in their marches and encampments. They never passed a night, even in the longest marches, without pitching a camp, and fortifying it with a rampart and ditch,

ditch, *Liv.* xlv. 39. Persons were always sent before to chuse and mark out a proper place for that purpose. (*castra metari*). Hence called **METATORES**; thus, *Alteris castris vel secundis*, is put for *altero die*, the second day; *tertiis castris, quintis castris, &c.* *Tacit. Hist.* iii. 15. iv. 71.; *Cæs. B. G.* vii. 36.

When an army staid but one night in the same camp, or even two or three nights, it was simply called *Castra*, and in later ages **MANSIO**; which word is also put for the journey of one day, *Plin.* xii. 14. or for an inn, *Suet. Tit.* 10.; as *στανδός* among the Greeks.

When an army remained for a considerable time in the same place, it was called *Castra STATIVA*, a standing camp; *ÆSTIVA*, a summer camp; and *HYBERNA*, a winter camp, which was first used in the siege of *Veji*, *Liv.* v. 2.

The winter quarters of the Romans were strongly fortified, and furnished, particularly under the emperors, with every accommodation like a city, as storehouses (*armaria*), work-shops (*fabricæ*), an infirmary (*vale-tudinarium*), &c. Hence from them many towns in Europe are supposed to have had their origin; in England particularly, those whose names end in *cester* or *chester*.

The form of the Roman camp was a square, (*quadrata*), and always of the same figure. In later ages, in imitation of the Greeks, they sometimes made it circular, or adapted it to the nature of the ground, *Veget.* It was surrounded with a ditch (*Fossa*), usually nine feet deep and twelve feet broad, and a rampart (*VAL-LUM*), composed of the earth dug from the ditch (*AGGER*), and sharp stakes (*fudes, VALLI vel pali*) stuck into it, *Virg. G.* ii. 25.; *Cæs. B. Civ.* ii. 1. 15.

The camp had four gates, one on each side, called *Porta PRÆTORIA*, vel *Extraordinaria*, next the enemy, *Liv.* xl. 27. *DECUMANA*, opposite to the former, (*ab tergo castrorum et hosti averfa, vel ab hoste*), *Liv.* iii. 5. x. 32.; *Cæs. B. G.* ii. 24.; *Civ.* iii. 79.

Porta

Porta PRINCIPALIS DEXTRA and *PRINCIPALIS SINISTRA*, *Liv.* xl. 27.

The camp was divided into two parts, called the upper and lower.

The upper part (*pars castrorum superior*), was that next the *Porta Prætoria*, in which was the general's tent (*ducis tabernaculum*), called *PRÆTORIUM*, also *AUGURALE*, *Tacit. Annal.* ii. 13. xv. 30. or *AUGUSTALE*, *Quintil.* viii. 2. with a sufficient space around for his retinue, the prætorian cohort, &c. On one side of the *Prætorium* were the tents of the lieutenant-generals, and on the other that of the Quæstor, *QUÆSTORIUM*, which seems anciently to have been near the *porta decumana*, hence called *Quæstoria*, *Liv.* x. 32. xxxiv. 47. Hard by the quæstor's tent was the *FORUM*, called also *QUINTANA*, where things were sold and meetings held, *Liv.* xli. 2.; *Suet. Ner.* 26. In this part of the camp were also the tents of the tribunes, prefects of the allies, the *E-vocati*, *Ablecti*, and *Extraordinarii*, both horse and foot. But in what order they were placed does not appear from the classics. We only know that a particular place was assigned both to officers and men, with which they were all perfectly acquainted.

The lower part of the camp was separated from the upper by a broad open space, which extended the whole breadth of the camp, called *PRINCIPIA*, *Liv.* vii. 12. where the *tribunal* of the general was erected, when he either administered justice or harangued the army, *Tacit. Annal.* i. 67.; *Hist.* iii. 13. where the tribunes held their courts (*jura reddebant*), *Liv.* xxviii. 24. and punishments were inflicted, *Suet. Oth.* 1.; *Aug.* 24.; *Liv.* viii. 32. ix. 16.; the principal standards of the army, and the altars of the gods stood, *Tacit. Annal.* i. 39. also the images of the emperors, *Id.* iv. 2. xv. 29. by which the soldiers swore, *Liv.* xxvi. 48.; *Horat. Od.* iv. 5.; *Ep.* ii. 1. 16. and deposited their money at the standards, (*ad vel apud signa*), as in a sacred place, *Suet. Dom.* 7. each a certain part of his pay and the half

of a donative, which was not restored till the end of the war, *Veget.* ii. 20.

In the lower part of the camp the troops were disposed in this manner: The cavalry in the middle, on both sides of them the *Triarii*, *Principes*, and *Hastati*; next to them on both sides were the cavalry and foot of the allies, who, it is observable, were always posted in separate places, lest they should form any plots (*ne quid novæ rei molirentur*) by being united. It is not agreed what was the place of the *Velites*. They are supposed to have occupied the empty space betwixt the rampart and the tents, which was 200 feet broad. The same may be said of the slaves (*CALONES* vel *servi*) and retainers or followers of the camp, (*LIXÆ*, *qui exercitum sequebantur, quasi gratiâ*, *Festus.*) *Liv.* xxiii. 16. These were little used in ancient times. A common soldier was not allowed a slave, but the officers were, *Sallust. Jug.* 45. The *Lixæ* were sometimes altogether prohibited, *Ibid.* At other times they seem to have staid without the camp, in what was called *PROCESTRIA*, (*adificia extra castra*), *Festus.*; *Tacit. Hist.* iv. 22.

The tents (*tentoria*) were covered with leather or skins extended with ropes: hence *sub pellibus hiemare*, *Flor.* i. 12.

In each tent were usually ten soldiers, with their *decanus* or petty officer who commanded them, (*qui iis præfuit*); which was properly called *CONTUBERNIUM*, and they *Contubernales*. Hence young noblemen under the general's particular care, were said to serve in his tent, (*contubernio ejus militare*), and were called his *CONTUBERNALES*, *Suet. Jul.* 42.; *Cic. Cæl.* 30.; *Planc.* 21.; *Sallust. Jug.* 64. The centurions and standard-bearers were posted at the head of their companies.

The different divisions of the troops were separated by intervals, called *Via*. Of these there were five longwise, (*in longum*), i. e. running from the *decuman* towards the *prætorian* side; and three across, one in the lower part of the camp, called *Quintana*, and two in the upper, namely, the *Principia* already described, and another

other betwixt the *Prætorium* and the *Prætorian* gate. The rows of tents betwixt the *via* were called *STRIGÆ*. (ρυκταί.)

In pitching the camp, different divisions of the army were appointed to execute different parts of the work, under the inspection of the tribunes and centurions, *Juvenal. viii. 147.* as they likewise were during the encampment to perform different services, (*ministra*), to procure water, forage, wood, &c. From these certain persons were exempted, (*immunes operum militarium, in unum pugne laborem reservati*, *Liv. vii. 7.*) either by law or custom, as the *Equites*, *Val. Max. ii. 9. 7.* the *Evocati* and veterans, *Tacit. Annal. i. 36.* or by the favour (*beneficio*) of their commander; hence called *BENEFICIARII*, *Festus. Cas. B. C. i. 75.* But afterwards this exemption used to be purchased from the centurions, which proved most pernicious to military discipline, *Tacit. Ann. i. 17.*; *Hist. i. 46.* The soldiers obliged to perform those services were called *MUNIFICES*, *Veget. ii. 7. 19.*

Under the emperors there was a particular officer in each legion who had the charge of the camp, called *PRÆFECTUS CASTRORUM*, *Tacit. Ann. i. 20. xiv. 37. Hist. ii. 29.*; *Veget. ii. 10.*

A certain number of maniples were appointed to keep guard at the gates, on the rampart, and in other places of the camp, before the *Prætorium*, the tents of the *Legati*, *Quæstor*, and *Tribunes*, both by day and by night, (*agere excubias vel stationes et vigilias*), who were changed every three hours.

EXCUBIÆ denotes watches either by day or by night; *VIGILIÆ*, only by night. Guards placed before the gates were properly called *STATIONES*, on the rampart *CUSTODIÆ*, *Liv. xxv. 40. xlv. 33.* But *statio* is also put for any post: hence *Vetat Pythagoras injussu imperatoris, id est, Dei, de præsidio et statione vitæ decedere*, *Cic. Sen. 20.* Whoever deserted his station was punished with death, *Suet. Aug. 24.*

Every evening before the watches were set, (*antequam vigiliæ disponentur*), the watch-word (*symbolum*) or private signal, by which they might distinguish friends from foes, was distributed through the army by means of a square tablet of wood in the form of a die, called TESSERA from its four corners, (*τεσσαρες, -α, quatuor*). On it was inscribed whatever word or words the general chose, which he seems to have varied every night.

A frequent watch-word of Marius was *LAR DEUS*; of Sulla, *APOLLO DELPHICUS*; and of Cæsar, *VENUS GENITRIX*, &c. *Serv. ad Virg. ; Æn. vii. 637.* It was given (*tessera data est*) by the general to the tribunes and prefects of the allies, by them to the centurions, and by them to the soldiers. The person who carried the *Tessera* from the tribunes to the centurions, was called TESSERARIUS, *Tacit. Hist. i. 25.*

Every evening when the general dismissed his chief officers and friends, (*cum PRÆTORIUM dimittebat*), after giving them his commands, all the trumpets sounded, *Liv. xxx. 5. xxvi. 15. xxi. 54. xxxviii. 5.*

In this manner also the particular commands of the general were made known to the troops, *Liv. vii. 35. ix. 32. xxvii. 46. xxviii. 14. ; Suet. Galb. 6.* which seems likewise sometimes to have been done *visâ voce*, *Liv. xlv. 33.*

Certain persons were every night appointed to go (*circumire vel obire*) round the watches; hence called *CIRCUITORES*, vel *Circitores*. This seems to have been at first done by the *equites*, *Liv. xxii. 1.* and tribunes, *Id. xxviii. 24.*; on extraordinary occasions by the *legati* and general himself, *Sallust. Jug. 45.* At last particular persons were chosen for that purpose by the tribunes, *Veget. iii. 8.*

The Romans used only wind-instruments of music in the army. These were the *TUBA*, straight like our trumpet; *CORNU* the horn, bent almost round; *BUCCINA*, similar to the horn, used always by the watches; *LITUUS*, the clarion, bent a little at the end, like the augur's staff or *lituus*; all of brass:

Whence

Whence those who blew them were called *ÆNEATOR-ES*, *Suet. Jul. 32.* The *Tuba* was used as a signal for the foot, the *Lituus* for the horse, *Acron. ad Horat. Od. i. 1. 23.*; but they are sometimes confounded, *Virg. Æn. vi. 167.* and both called *Concha*, because first made of shells, *Id. 171.*

The signal was given for changing the watches (*vigiliis mutandis*) with a trumpet or horn, (*buccinâ*), *Liv. vii. 35.*; hence *ad tertiam buccinam*, for *vigiliam*, *xxvi. 15.* and the time was determined by hour-glasses, (*per clepsydras*), *Veget. iii. 8.* See p. 254.

A principal part of the discipline of the camp consisted in exercises, (whence the army was called *EXERCITUS*), walking and running (*decurso*) completely armed, *Liv. xxiii. 35. xxvi. 51. xxix. 22.*; leaping, swimming, *Suet. Aug. 64.*; vaulting (*salitio*) upon horses of wood, *Veget. i. 18.*; shooting the arrow, and throwing the javelin; attacking a wooden figure of a man as a real enemy, (*exercitia ad palum, vel PALARIA*), *Juvenal. vi. 246.*; the carrying of weights, &c. *Virg. G. iii. 346.*

When the general thought proper to decamp, (*castra movere*), he gave the signal for collecting their baggage, (*colligendi vasa*), whereupon all took down their tents, (*tabernacula detendebant*), but not till they saw this done to the tents of the general and tribunes, *Polyb. vi.* upon the next signal they put their baggage on the beasts of burden, and upon the third signal began to march; first the *extraordinarii* and the allies of the right wing with their baggage, then the legions, and last of all the allies of the left wing, with a party of horse in the rear, (*ad agmen cogendum, i. e. colligendum*, to prevent straggling), and sometimes on the flanks, in such order (*composito agmine, non itineri magis apto, quam prælio*) that they might readily be formed into the line of battle if an enemy attacked them.

An army in close array was called *AGMEN PILATUM*, *Serv. in Virg. Æn. xii. 121.* When under no apprehension of an enemy, they were less guarded, (*agmine in-*

cauto, i. e. *minus munito*, ut inter pacatos ducebat, sc. *conful*), *Liv.* xxxv. 4.

The form of the march, however, varied according to circumstances and the nature of the ground, *Liv.* xxxv. 4. 27. 28. It was sometimes disposed into a square, (*AGMEN QUADRATUM*), with the baggage in the middle, *Liv.* xxxi. 37. xxxix. 30.; *Hirt. de bell. Gall.* viii. 8.; *Tacit. Ann.* i. 51.

Scouts (*speculatores*) were always sent before to reconnoitre the ground, (*ad omnia exploranda*), *Suet. Jul.* 58.; *Sall. Jug.* 46. A certain kind of soldiers under the emperors were called *SPECULATORES*, *Tacit. Hist.* i. 24. 25. 27. ii. 11. 33. 73.; *Suet. Claud.* 35.; *Oth.* 5.

The soldiers were trained with great care to observe the military pace (*gradu militari incedere*), and to follow the standards, (*signa sequi*). For that purpose, when encamped, they were led out thrice a month, sometimes ten, sometimes twenty miles, less or more, as the general inclined. They usually marched at the rate of twenty miles in five hours, sometimes with a quickened pace (*gradu vel agmine citato*) twenty-four miles in that time, *Veget.* i. 9.

The load which a Roman soldier carried is almost incredible, *Virg. G.* iii. 346.; *Horat. Sat.* ii. 2. 10.; victuals (*cibaria*), for fifteen days, *Cic. Tusc.* ii. 15. 16. sometimes more, *Liv. Epit.* 57. usually corn, as being lighter, sometimes dressed food, (*coctus cibus*), *Liv.* iii. 27. utensils, (*utensilia*), a saw, a basket, a mattock, (*rutrum*), an ax, a hook, and leathern thong, (*falx et lorum ad pabulandum*), a chain, a pot, &c. *Liv.* xxviii. 45.; *Horat. Epod.* ix. 13.; flakes, usually three or four, sometimes twelve, *Liv.* iii. 27. the whole amounting to sixty pound weight, besides arms; for a Roman soldier considered these not as a burden, but as part of himself, (*arma membra milites ducebant*), *Cic. Tusc.* ii. 16.

Under this load they commonly marched twenty miles a-day, sometimes more, *Veget.* i. 10.

There

There were beasts of burden for carrying the tents, mills, baggage, &c. (*JUMENTA SARCINARIA*, *Cæs. B. C.* i. 81.). The ancient Romans rarely used waggons, as being more cumbersome, *Sall. Jug.* 45.

The general usually marched in the centre, sometimes in the rear, or where-ever his presence was necessary, *Ibid.*

When they came near the place of encampment, some tribunes and centurions, with proper persons appointed for that service, (*cum metatoribus*), were sent before to mark out the ground, and assign to each their proper quarters, which they did, by erecting flags (*vexilla*) of different colours in the several parts.

The place for the general's tent was marked with a white flag; and when it was once fixed, the places of the rest followed of course, as being ascertained and known. When the troops came up, they immediately set about making the rampart, (*vallum jaciebant*), while part of the army kept guard (*præsidium agitabant*), to prevent surprise. The camp was always marked out in the same manner, and fortified, if they were to continue in it only for a single night.

The Order of BATTLE, and the different STANDARDS.

The Roman army was usually drawn up in three lines, (*triplice acie*, vel *triplicibus subsidiis*, *Sallust. Jug.* 49.), each several rows deep.

The *Haſtati* were placed in the first line; (*in prima acie*, vel *in principiis*); the *Principes* in the second; and the *Triarii* or *Pilani* in the third; at proper distances from one another. The *Principes* are supposed anciently to have stood foremost: Hence *post principia*, behind the first line, *Ter. Eun.* iv. 7. 11.; *Liv.* ii. 65. iii. 22. viii. 10. *Transvorsis principiis*, the front or first line being turned into the flank, *Sallust. Jug.* 49. *Liv.* viii. 8. xxxvii. 39.

A manipule of each kind of troops was placed behind one another, so that each legion had ten maniples in front. They were not placed directly behind one another as on march, (*agmine quadrato*), but obliquely, in the form of what is called a *Quincunx*, Virg. G. ii. 279. unless when they had to contend with elephants, as at the battle of Zama, *Polyb. et Appian.*; *Liv.* xxx. 33. There were certain intervals or spaces (*VIÆ*), not only betwixt the lines, but likewise betwixt the maniples.

The *Velites* were placed in the spaces or intervals (*in viis*) betwixt the maniples, *Liv.* xxx. 33.; *Sallust. ibid.* or on the wings, xlii. 58.

The Roman legions possessed the centre, (*mediam aciem tenebant*), the allies and auxiliaries the right and left wings, (*cornua*), *Liv.* xxxvii. 39. The cavalry were sometimes placed behind the foot, whence they were suddenly let out on the enemy through the intervals betwixt the ranks, *Liv.* x. 5. but they were commonly posted on the wings, *Liv.* xxviii. 14.; hence called *ALÆ*, *Gell.* xvi. 4. which name is commonly applied to the cavalry of the allies, (*alarii vel alarii equites*), *Liv.* xxxv. 5.; *Cic. Fam.* ii. 17. when distinguished from the cavalry of the legions, (*equites legionarii*), *Liv.* xl. 40.; *Cæs. B. G.* i. 41. and likewise to the auxiliary infantry, (*cohortes alares vel alariæ*), *Liv.* x. 40. 43.; *Cæs. B. C.* i. 65. ii. 16.

This arrangement however was not always observed. Sometimes all the different kinds of troops were placed in the same line. For instance, when there were two legions, the one legion and its allies were placed in the first line, and the other behind as a body of reserve, (*in subsidiis vel præsidiis*), *Liv.* xxvii. 2. 12. xxix. 2. xxx. 18. This was called *ACIES DUPLEX*, *Cæs. B. C.* i. 75; *Sallust. Cat.* 59.; when there was only one line, *ACIES SIMPLEX*, *Cæs. B. G.* iii. 25.; *Afr.* 12. 53. Some think, that in later times an army was drawn up in order of battle, without any regard to the division of soldiers into different ranks. In the description of Cæsar's battles there

there is no mention made of the soldiers being divided into *Hastati*, *Principes*, and *Triarii*, but only of a certain number of legions and cohorts, which Cæsar generally drew up in three lines, *Cæs. B. G.* i. 19 41. ii. 22. iv. 11.; *B. C.* i. 57. 75. iii. 74.; *Afr.* 53. So *Sallust. Cat.* 59.; *Tacit. Hist.* ii. 24. In the battle of Pharsalia he formed a body of reserve, which he calls a fourth line, (*QUARTAM ACIEM instituit*), to oppose the cavalry of Pompey, which indeed determined the fortune of the day, *B. C.* iii. 76. This was properly called *ACIES QUADRUPLEX*; as, *B. Afr.* 38.

In the time of Cæsar the bravest troops were commonly placed in the front, *Sallust. et Cæs. ibid.* contrary to the ancient custom. This, and various other alterations in the military art, are ascribed to Marius.

ACIES is put not only for the whole or a part of an army in order of battle; as, *Acie[m] instruere*, *exornare*, *explicare*, *extenuare*, *firmare*, *perturbare*, *instaurare*, *resituere*, *redintegrare*, &c. but also for the battle itself, *Cic. Fam.* vi. 3.; *Suet. Aug.* 20.

Each century, or at least each manipule, had its proper standard and standard-bearer, *Varro de Lat. ling.* iv. 16.; *Liv.* viii. 8.; *Veget.* ii. 23. Hence *milites signi unius*, of one manipule or century, *Liv.* xxv. 23. xxxiii. 1. 9.; *signa inferre*, to advance; *convertere*, to face about, *Cæs. B. G.* i. 25.; *efferre*, to go out of the camp, *Liv.* xxv. 4.; *a signis discedere*, to desert, *Ibid.* 20.; *referre*, to retreat; also to recover the standards, *Virg. Æn.* vi. 826; *signa conferre*, vel *signis collatis configere*, to engage; *signis infestis inferri*, ire vel *incedere*, to march against the enemy; *sub signis legiones ducere*, in battle order, *Cic. Att.* xvi. 8.; *signa infesta ferre*, to advance as if to an attack, *Virg. Æn.* v. 582.

The ensign of a *manipulus* was anciently a bundle of hay on the top of a pole, (See p. 341.); whence *miles manipularis*, a common soldier, *Ovid. Fast.* iii. 116. Afterwards a spear with a cross piece of wood on the top, sometimes the figure of a hand above, probably in allusion to the word *manipulus*, and below, a small round
or

or oval shield, commonly of silver, *Plin.* 33. 3. also of gold, *Herodian.* iv. 7. on which were represented the images of the warlike deities, as *Mars* or *Minerva*; and, after the extinction of liberty, of the emperors, *Tacit. Ann.* i. 43.; *Hist.* i. 41. iv. 62. or of their favourites, *Suet. Tib.* 48.; *Cal.* 14. Hence the standards were called *Numina legionum*, and worshipped with religious adoration, *Suet. Cal.* 14.; *Vit.* 2.; *Tacit. Ann.* i. 39.; *Veget.* ii. 6.

We read also of the standards of the cohorts, *Liv.* xxvii. 15.; *Cæs. B. G.* ii. 25.; *Tacit. Ann.* i. 18.; *Hist.* i. 41.: But then a whole is supposed to be put for a part, *cohortes* for *manipuli* or *ordines*, which were properly said *ad signa convenire et contineri*, *Cæs. B. G.* vi. 1. 31. 37. The divisions of the legion, however, seem to have been different at different times. *Cæsar* mentions 120 chosen men of the same century, *B. C.* iii. 76.; and *Vegetius* makes *manipulus* the same with *contubernium*, ii. 13. It is at least certain that there always was a diversity of ranks, *ORDINES INFERIORES ET SUPERIORES*, *Cæs. B. G.* vi. 37.; *Tacit. Hist.* i. 52. iv. 59. and a gradation of preferments, *ORDINES vel gradus militiæ*, *Ibid.* et *Cæs. B. C.* i. 44.; *Suet. Claud.* 25. The divisions most frequently mentioned are *COHORTES*, *battalions* of foot, and *TURMÆ*, *troops* of horse, *Cic. Marcel.* 2.; *Fam.* xv. 2.; *Att.* vi. 2. *Cohors* is sometimes applied to the auxiliaries, and opposed to the legions, *Tacit. Hist.* ii. 89. v. 18. It is also, although more rarely, applied to cavalry, *Plin. Ep.* x. 107.

The standards of the different divisions had certain letters inscribed on them, to distinguish the one from the other, *Veget.* ii. 13.

The standard of the cavalry was called *VEXILLUM*, a flag or banner, *i. e.* a square piece of cloth fixed on the end of a spear, *Liv.*; used also by the foot, *Cæs. G.* vi. 33. 37. particularly by the veterans who had served out their time, but under the emperors were still retained in the army, and fought in bodies distinct from the legion, under a particular standard of their own,

own, (*sub vexillo*, hence called VEXILLARII), *Tacit. Ann. i. 17. 26. 36. 38.* But *vexillum* or *vexillatio* is also put for any number of troops following one standard, *Tacit. Hist. i. 31. 70.; Suet. Galb. 18.; Stat. Theb. 12. 782.*

To lose the standards was always esteemed disgraceful, particularly to the standard-bearer, *Cæs. G. iv. 23. v. 29.; B. C. i. 54.* sometimes a capital crime, *Liv. ii. 59.* Hence, to animate the soldiers, the standards were sometimes thrown among the enemy, *Liv. iii. 70. vi. 8. xxv. 14. xxvi. 5.*

A silver eagle, with expanded wings, on the top of a spear, sometimes holding a thunderbolt in its claws, was the common standard of the legion, at least after the time of Marius, *Plin. x. 4.* Hence AQUILA is put for a legion, *Cæs. Hist. 30.* and *aquila signaque* for all the standards of a legion, *Tacit. passim.* It was anciently carried before the first manipule of the *Triarii*, but after the time of Marius, in the first line, and near it was the ordinary place of the general, *Sallust. Cat. 59.* almost in the centre of the army; thus, *MEDIO DUX AGMINE Turnus vertitur arma tenens*, *Virg. Æn. ix. 28.* usually on horseback, *Liv. vi. 7.; Sall. Cat. 69.; Cæs. Gall. i. 25.* So likewise the *Legati* and *Tribunes*, *Ibid. & Cæs. vii. 65.*

The soldiers who fought before the standards, or in the first line, were called ANTESIGNANI, *Liv. i. 20. iv. 37. ix. 32. 39. xxii. 5. xxx. 33.; Cæs. B. C. i. 41. 52.* Those behind the standards (*post signa*) POSTSIGNANI, *Liv. viii. 11.; Frontin. Strateg. i. 3. 17.* vel SUBSIGNANI, *Tacit. Hist. i. 70.* but the *Subsignani* seem to have been the same with the *Vexillarii*, or privileged veterans, *Id. iv. 33.; Ann. i. 36.*

The general was usually attended by a select band, called COHORS PRÆTORIA, *Cic. Cat. ii. 11.; Fam. x. 30.; Sallust. Cat. 60.; Jug. 98.* first instituted by Scipio Africanus, *Festus*; but something similar was used long before that time, *Liv. ii. 20.* not mentioned in Cæsar unless by the by, *B. G. i. 31.*

When

When a general, after having consulted the auspices, had determined to lead forth his troops against the enemy, a red flag was displayed (*vexillum vel signum pugnae proponebatur*), on a spear from the top of the *Prætorium*, Cæs. de bell. G. ii. 20.; *Liv.* xxii. 45. which was the signal to prepare for battle. Then having called an assembly by the sound of a trumpet, (*classico*, i. e. *tubâ concione advocata*, *Liv.* vii. 36. viii. 7. 32.) he harangued (*alloquebatur*) the soldiers, who usually signified their approbation by shouts, by raising their right hands, *Lucan.* i. 386. or by beating on their shields with their spears. Silence was a mark of timidity, *Lucan.* ii. 596. This address was sometimes made in the open field from a tribunal raised of turfs, (*e tribunali cespitio*), *Tacit. Ann.* i. 18.; *Plin. Paneg.* 56.

After the harangue all the trumpets sounded (*signa canebant*), which was the signal for marching, *Lucan.* ii. 597.

At the same time the soldiers called out, *To arms*, (*AD ARMA conclamatum est*). The standards which stood fixed in the ground were pulled up, (*convellebantur*), *Liv.* iii. 50. 54. vi. 28. If this was done easily, it was reckoned a good omen; if not, the contrary, *Liv.* xxii. 3.; *Val. Max.* i. 2. 11. The watch-word was given, (*signum datum est*), either *viva voce*, or by means of a *testera*, Cæs. de B. G. ii. 20.; de B. Afric. 83. as other orders were communicated, *Liv.* v. 36. xxi. 14. In the mean time many of the soldiers made their testaments, (See p. 57.) *Gell.* xv. 27.

When the army was advanced near the enemy, (*intra teli conjectum, unde a ferentariis prælium committi posset*), the general riding round the ranks again exhorted them to courage, and then gave the signal to engage. Upon which all the trumpets sounded, and the soldiers rushed forward to the charge with a great shout, (*maximè clamore procurrebant cum signis vel pilis infestis*, i. e. *in hostem versis vel directis*), *Sallust. Cat.* 60.; Cæs. B. Civ. iii. 92.; *Liv.* vi. 8. &c. which they did to animate one another

another, and intimidate the enemy, *Cæs. ibid.* Hence *Primus clamor atque impetus rem decrevit*, when the enemy were easily conquered, *Liv. xxv. 4.*

The *Velites* first began the battle; and when repulsed retreated, either through the intervals betwixt the ranks, (*per intervalla ordinum*), or by the flanks of the army, and rallied in the rear. Then the *Hastati* advanced; and if they were defeated, they retired slowly (*presso pede*) into the intervals of the ranks of the *Principes*, or if greatly fatigued, behind them. Then the *Principes* engaged; and if they too were defeated, the *Triarii* rose up, (*consurgebant*), for hitherto they continued in a stooping posture, (*subsdebant, hinc dicti subsidia, Festus.*) leaning on their right knee, with their left leg stretched out, and protected with their shields; hence *AD TRIARIOS VENTUM EST*, it is come to the last push, *Liv. viii. 8.*

The *Triarii* receiving the *Hastati* and *Principes* into the void spaces betwixt their *manipuli*, and closing their ranks, (*compressis ordinibus*), without leaving any space between them, in one compact body (*uno continente agmine*) renewed the combat. Thus the enemy had several fresh attacks to sustain before they gained the victory. If the *Triarii* were defeated, the day was lost and a retreat was sounded, (*receptui cecinerunt*). *Liv. viii. 8. 9.*

This was the usual manner of attack before the time of Marius. After that several alterations took place, which, however, are not exactly ascertained.

The legions sometimes drew lots about the order of their march, and the place they were to occupy in the field, *Tacit. Hist. ii. 41.*

The Romans varied the line of battle by advancing or withdrawing particular parts. They usually engaged with a straight front, (*recta fronte, Festus; vel æquatis frontibus; Tibull. iv. 1. 103. ACIES DIRECTA*). Sometimes the wings were advanced before the centre, (*ACIES SINUATA*), *Senec. de beat. vit. 4.; Liv. xxviii. 14.*; or the contrary, (*ACIES GIBBERA vel flexa*), which

Hannibal used in the battle of Cannæ, *Liv.* xxii. 47. Sometimes they formed themselves into the figure of a wedge, (CUNEUS vel *trigōnum*, a triangle), called by the soldiers CAPUT PORCINUM, like the Greek letter Delta Δ: *Liv.* viii. 10.; *Quintil.* ii. 13.; *Virg.* xii. 269. 457.; *Cæs.* vi. 39. So the Germans, *Tacit.* 6. and Spaniards, *Liv.* xxxix. 31. But *cuneus* is also put for any close body, as the Macedonian *phalanx*, *Liv.* xxxii. 17. Sometimes they formed themselves to receive the *cuneus* in the figure of a FORCEPS or scissars; thus, V, *Gell.* x. 9.; *Veget.* ii. 19.

When surrounded by the enemy, they often formed themselves into a round body, (ORBIS vel GLOBUS, hence, *orbes facere vel volvere*; *in orbem se tutari vel conglobare*), *Sallust.* *Jug.* 97.; *Liv.* iv. 28. 39. xxiii. 27.; *Cæs. B. G.* iv. 37.; *Tacit. Ann.* ii. 11.

When they advanced and retreated in separate parties, without remaining in any fixed position, it was called SERRA, *Festus*.

When the Romans gained a victory, the soldiers with shouts of joy saluted their general by the title of IMPERATOR. (See p. 173.) His lictors wreathed their *fascēs* with laurel. He immediately sent letters wrapped round with laurel (*literæ laureatæ*) to the senate, to inform them of his success, and if the victory was considerable, to demand a triumph, *Liv.* xlv. 1.; *Cic. Pis.* 17.; *Att.* v. 20.; *Fam.* ii. 10. If the senate approved, they decreed a thanksgiving (*supplicatio* vel *supplicium*, vel *gratulatio*, *Cic. Marc.* 4.; *Fam.* ii. 18.) to the gods, and confirmed to the general the title of *Imperator*, which he retained till his triumph or return to the city, *Cic. Phil.* xiv. 3. 4. 5.

MILITARY REWARDS.

After a victory the general assembled his troops, and in presence of the whole army bestowed rewards on those

those who deserved them. These were of various kinds.

The highest reward was the civic crown, (CORONA CIVICA), given to him who had saved the life of a citizen, *Gell.* v. 6. ; *Liv.* vi. 20. x. 46. made of oak leaves, (*e fronde querna*, hence called *Quercus civilis*, *Virg. Æn.* vi. 772.) and by the appointment of the general presented by the person who had been saved to his preserver, whom he ever afterwards respected as a parent, *Cic. Planc.* 30. Under the emperors it was always bestowed by the prince, (*imperatoria manu*), *Tacit. Ann.* iii. 21. xv. 12. It was attended with particular honours. The person who received it wore it at the spectacles, and sat next the senate. When he entered, the audience rose up, as a mark of respect, (*ineunti etiam ab senatu assurgebatur*), *Plin.* xvi. 4.

To the person who first mounted the rampart, or entered the camp of the enemy, was given by the general a golden crown, called CORONA VALLARIS vel CASTRENSIS, *Val. Max.* i. 8. To him who first scaled the walls of a city in an assault, CORONA MURALIS, *Liv.* xxvi. 48. ; who first boarded the ship of an enemy, CORONA NAVALIS, *Festus.* ; *Gell.* v. 6.

Augustus gave to Agrippa, after defeating Sextus Pompeius in a sea-fight near Sicily, a golden crown, adorned with figures of the beaks of ships, hence called ROSTRATA, *Virg.* viii. 684. said to have been never given to any other person, *Liv. Epit.* 129. ; *Paterc.* ii. 81. ; *Dio*, xlix. ; but according to *Festus in voc. NAVALI*, and *Pliny*, vii. 30. xvi. 4. it was also given to M. Varro in the war against the pirates by Pompey ; but they seem to confound the *corona rostrata* and *navalis*, which others make different. So also *Suet. Claud.* 17.

When an army was freed from a blockade, the soldiers gave to their deliverer (*ei duci, qui liberavit*, *Gell.* v. 6.) a crown made of the grass which grew in the place where they had been blocked up ; hence called *Graminea corona OBSIDIONALIS*, *Liv.* vii. 37. ; *Plin.* xxii. 4. 5.

Golden crowns were also given to officers and soldiers, who had displayed singular bravery; as to T. Manlius Torquatus, and M. Valerius Corvus, who each of them slew a Gaul in single combat, *Liv.* vii. 10. 26.; to P. Decius, who preserved the Roman army from being surrounded by the Samnites, *Id.* 37. and to others, x. 44. xxvi. 21. xxx. 15.

There were smaller rewards (*præmia minora*) of various kinds; as, a spear without any iron on it, (*HASTA PURA*), *Virg. Æn.* vi. 760.; *Suet. Claud.* 28.;—a flag or banner, i. e. a streamer on the end of a lance or spear (*VEXILLUM*, *quasi parvum velum*, *Serv.* in *Virg. Æn.* viii. 1.) of different colours, with or without embroidery, (*auratum vel purum*), *Sall. Jug.* 85.; *Suet. Aug.* 25.—Trappings, (*PHALERÆ*), ornaments for horses, *Virg. Æn.* v. 310.; *Liv.* xxii. 52. and for men, *Liv.* ix. 46.; *Cic. Att.* xvi. 17.; *Verr.* iii. 80. iv. 12.—Golden chains, (*aureæ TORQUES*), *Tacit. Annal.* ii. 9. iii. 21.; *Juvenal.* xvi. 60. which went round the neck, whereas the *Phaleræ* hung down on the breast, *Sil. Ital.* xv. 52.—Bracelets, (*ARMILLÆ*), ornaments for the arms, *Liv.* x. 44.—*CORNICULA*, ornaments for the helmet in the form of horns, *Ibid.*—*CATELLÆ* vel *Catenulæ*, chains composed of rings; whereas the *Torques* were twisted (*tortæ*) like a rope, *Liv.* xxxix. 31.—*FIBULÆ*, clasps or buckles for fastening a belt or garment, *Ibid.*

These presents were conferred by the general in presence of the army; and such as received them, after being publicly praised, were placed next him, *Sall. Jug.* 54.; *Liv.* xxiv. 16.; *Cic. Phil.* v. 13. 17. They ever after kept them with great care, and wore them at the spectacles and on all public occasions, *Liv.* x. 47.

The spoils (*SPOLIA* vel *Exuvie*) taken from the enemy were fixed up on their door-posts, or in the most conspicuous part of their houses, *Virg. Æn.* ii. 504.; *Liv.* xxiii. 23.

When the general of the Romans slew the general of the enemy in single combat, the spoils which he took from

from him (*quæ dux duci detraxit*) were called SPOLIA OPIMA, (ab *ope* vel *opibus*), *Liv.* iv. 20. *Festus*, and hung up in the temple of Jupiter Feretrius. These spoils were obtained only thrice before the fall of the republic; the first by Romulus, who slew Acron king of the Cæninenſes, *Liv.* i. 10.; the next by A. Cornelius Cossus, who slew Lar Tolumnius king of the Veientes, A. U. 318, *Liv.* iv. 20.; and the third by M. Claudius Marcellus, who slew Viridomarus king of the Gauls, A. U. 530, *Liv. Epit.* xx.; *Virg. Æn.* vi. 859.; *Plutarch. in Marcello*.

Sometimes foldiers, on account of their bravery, received a double share of corn, (*duplex frumentum*), which they might give away to whom they pleased; hence called DUPLICarii, *Liv.* ii. 59. vii. 37.

A TRIUMPH.

The highest military honour which could be obtained in the Roman state was a TRIUMPH, or solemn procession, with which a victorious general and his army advanced through the city to the Capitol; so called from *Σπίαμβος*, the Greek name of Bacchus, who is said to have been the inventor of such processions, *Varro de Lat. ling.* v. It had its origin at Rome from Romulus carrying the *Spolia opima* in procession to the Capitol; and the first who entered the city in the form of a regular triumph was Tarquinius Priscus, *Liv.* i. 38.; the next, P. Valerius, *Liv.* ii. 7. and the first who triumphed after the expiration of his magistracy, (*acto honore*), was Q. Publilius Philo, *Id.* viii. 26.

A triumph was decreed by the senate, and sometimes by the people against the will of the senate, *iv.* iii. 63. vii. 17. to the general who, in a just war with foreigners, (*justo et hostili bello*, *Cic. Deiot.* 5.) and in one battle had slain above 5000 enemies of the republic, and by that victory had enlarged the limits of the empire, *Val. Max.* ii. 8. Whence a triumph was called

H h 3

Justus,

Iustus, which was fairly won, *Cic. Pis.* 19.; *Hor. Od.* i. 12. 54. And a general was said *Triumphare*, et *agere vel deportare triumphum de vel ex aliquo*; *triumphare aliquem*, *Virg. Æn.* vi. 836.; *ducere, portare vel agere eum in triumpho*.

There was no just triumph for a victory in a civil war, *Val. Max.* ii. 8. 7. although this was not always observed, *Liv. Epit.* 115. 116. 133.; *Plin. Paneg.* 2.; nor when one had been first defeated, and afterwards only recovered what was lost, *Oros.* iv.; nor anciently could one enjoy that honour, who was invested with an extraordinary command, as Scipio in Spain, *Liv.* xxviii. 38. xxxvi. 20.; nor unless he left his province in a state of peace, and brought from thence his army to Rome along with him to be present at the triumph, *Liv.* xxvi. 21. xxxix. 29. xlv. 38. But these rules were sometimes violated, particularly in the case of Pompey, *Val. Max.* viii. 15. 8.

There are instances of a triumph being celebrated without either the authority of the senate or the order of the people, *Liv.* x. 37.; *Oros.* v. 4.; *Cic. Cæl.* 14.; *Suet. Tib.* 2.; *Val. Max.* v. 4. 6.; and also when no war was carried on, *Id.* xl. 38.

Those who were refused a triumph at Rome by public authority, sometimes celebrated it on the Alban mountain. This was first done by Papirius Maso, A. U. 522. *Val. Max.* iii. 6. 5. whom several afterwards imitated, *Liv.* xxvi. 21. xxxiii. 24. xlii. 21. xlv. 38.

As no person could enter the city while invested with military command, generals, on the day of their triumph, were, by a particular order of the people, freed from that restriction, (*Ut iis, quo die urbem triumphantes inveharentur, imperium esset.*), *Liv.* xlv. 35.

The triumphal procession began from the *Campus Martius*, and went from thence along the *Via Triumphalis*, through the *Campus* and *Circus Flaminius* to the *Porta Triumphalis*, and thence through the most public places of the city to the Capitol. The streets were strewn

strewed with flowers, and the altars smoaked with incense, *Ovid. Trist.* iv. 2. 4.

First went musicians of various kinds, singing and playing triumphal songs; next were led the oxen to be sacrificed, having their horns gilt, and their heads adorned with fillets and garlands; then in carriages were brought the spoils taken from the enemy, statues, pictures, plate, armour, gold and silver, and brass; also golden crowns, and other gifts sent by the allied and tributary states, *Liv.* xxxiii. 24. xxxvii. 58. xxxix. 5. 7. xl. 43. xlv. 40.; *Virg. Æn.* viii. 720. The titles of the vanquished nations were inscribed on wooden frames, (*in fereulis*), *Suet. Jul.* 37.; *Cic. Off.* i. 36. and the images or representations of the conquered cities, *Liv.* xxvi. 21.; *Quintil.* vi. 3. The captive leaders followed in chains, with their children and attendants; after the captives came the listors, having their *sasces* wreathed with laurel, followed by a great company of musicians and dancers dressed like satyrs, and wearing crowns of gold; in the midst of whom was a *Pantomime*, clothed in a female garb, whose business it was, with his looks and gestures, to insult the vanquished. Next followed a long train of persons carrying perfumes. (*suffraganea*).—Then came the general (DUX) dressed in purple embroidered with gold, (*togâ pictâ et tunicâ palmatâ*), with a crown of laurel on his head, *Liv.* v. 7. a branch of laurel in his right hand, *Plut. in Æmil.* and in his left an ivory sceptre, with an eagle on the top, *Juvenal.* x. 43. having his face painted with vermilion, in like manner as the statue of Jupiter on festival days, *Plin.* xxxiii. 7. and a golden ball (*aurea bulla*) hanging from his neck on his breast, with some amulet in it, or magical preservative against envy, *Macrob. Sat.* i. 6. standing in a gilded chariot, (*stans in curru aurato*), *Liv.* v. 7. adorned with ivory, *Ovid. Pont.* iii. 4. 35.; *Juvenal.* viii. 3. and drawn by four white horses, *Ovid. Art.* i. 214. at least after the time of Camillus, *Liv.* v. 23. sometimes by elephants, *Plin.* viii. 2. attended by his relations,

relations, *Suet. Tib. 2.*; *Domit. 2.*; *Cic. Muran. 5.* and a great crowd of citizens, all in white, *Juvenal. x. 45.* His children used to ride in the chariot along with him, *Liv. xlv. 40.*; *Appian. de Punic.*; and, that he might not be too much elated, (*ne sibi placeret*), a slave, carrying a golden crown sparkling with gems stood behind him, who frequently whispered in his ear, REMEMBER THAT THOU ART A MAN! *Juvenal. x. 41.*; *Zonar. ii.*; *Tertul. Apolog. 33.* After the general followed the consuls and senators on foot. His *legati* and military tribunes commonly rode by his side, *Cic. Pis. 25.*

The victorious army, horse and foot, came last, all in their order, crowned with laurel, and decorated with the gifts which they had received for their valour, singing their own and their general's praises, *Liv. v. 49. xlv. 38.* but sometimes throwing out railleries against him, *Suet. Jul. 49. 51.* often exclaiming, IO TRIUMPHE, in which all the citizens, as they passed along, joined, *Horat. Od. iv. 2. 49.*; *Ovid. Trist. iv. 2. 51.*

The general, when he began to turn his chariot from the *Forum* to the Capitol, ordered the captive kings and leaders of the enemy to be led to prison, and there to be slain, *Cic. Verr. v. 30.*; *Liv. xxvi. 13.* but not always, *Appian. de bell. Mithrid.*; and when he reached the Capitol, he used to wait till he heard that these savage orders were executed, *Joseph. de bell. Jud. vii. 24.*

Then, after having offered up a prayer of thanksgiving to Jupiter and the other gods for his success, he commanded the victims to be sacrificed, which were always white, *Ovid. ibid.* from the river Clitumnus, *Virg. G. ii. 146.* and deposited his laurel crown in the lap of Jupiter, (*in gremio Jovis*), to whom he dedicated part of the spoils, *Plin. xv. 30. xxxv. 40.* After which he gave a magnificent entertainment in the Capitol to his friends and the chief men of the city. The consuls were invited, but were afterwards desired not to come, (*ut venire supersederent*), that there might be no one at the feast superior to the triumphant general, *Val. Max. ii. 8. 6.* After supper he was conducted home by the people,

people, with music and a great number of lamps and torches, *Dio*, xliii. ; *Flor.* ii. 2. ; *Cic. Sen.* 13. which sometimes also were used in the triumphal procession, *Suet. Jul.* 37.

The gold and silver was deposited in the treasury; and a certain sum was usually given as a donative to the officers and soldiers, who then were disbanded, (*exauctorati et dimissi*), *Liv.* xxviii. 9. xxx. 45. xxxvi. 40.

When the victory was gained by sea, it was called a NAVAL TRIUMPH; which honour was first granted to Duilius, who defeated the Carthaginian fleet near *Lipara* in the first Punic war, A. U. 493. *Liv. Epit.* 17. and a pillar erected to him in the Forum, called COLUMNNA ROSTRATA, *Quintil.* i. 7. with an inscription, part of which still remains.

When a victory had been gained without difficulty, or the like, *Gell.* v. 6. an inferior kind of triumph was granted, called OVATIO, in which the general entered the city on foot or on horseback, crowned with myrtle, not with laurel; and instead of bullocks, sacrificed a sheep, (*ovem*), whence its name, *Plut. in Marcell.* ; *Dionys.* viii. 9. ; *Liv.* iii. 10. xxvi. 21. xxxi. 20. xxxiii. 28. xli. 28.

After Augustus the honour of a triumph was in a manner confined to the emperors themselves; and the generals who acted with delegated authority under their auspices, only received triumphal ornaments, a kind of honour devised by Augustus, *Suet. Tib.* 9. Hence L. Vitellius, having taken Terracina by storm, sent a laurel branch in token of it (*lauream prosperè gestæ rei*) to his brother, *Tacit. Hist.* iii. 77. We read, however, of a triumph being granted to Belisarius the general of Justinian, for his victories in Africa, which is the last instance of a triumph recorded in history, *Procop.*

MILITARY PUNISHMENTS.

These were of various kinds, either lighter or more severe.

The

The lighter punishments, or such as were attended with inconvenience, loss, or disgrace, were chiefly these,

1. Deprivation of pay, either in whole or in part, (*stipendio privari*), the punishment of those who were often absent from their standards, (*INFREQUENTES*). A soldier punished in this manner was called *ÆRE DIRUTUS*, *Festus*. Whence Cicero facetiously applies this name to a person deprived of his fortune at play, *Verr. v. 13.* or a bankrupt by any other means, *Phil. xiii. 12.*—
2. Forfeiture of their spears, *CENSIO HASTARIA*, *Festus*.—
3. Removal from their tent, (*locum in quo tenderent, mutare*), *Liv. xxv. 6.* sometimes to remain without the camp and without tents, *Liv. x. 4.* or at a distance from the winter-quarters, *Liv. xxvi. 1.*; *Val. Max. ii. 7. 15.*—
4. Not to sit down at meals with the rest, (*cibum stantes capere*), *Liv. xxiv. 16.*—
5. To stand before the *prætorium* in a loose jacket, *Suet. Aug. 24.*; *Val. Max. ii. 7. 9.* and the centurions without their girdle, (*discincti*), *Liv. xxvii. 13.* or to dig in that dress, *Plut. in Lucull.*—
6. To get an allowance of barley instead of wheat, (*bordeo pasci*), *Liv. ibid.*; *Suet. Aug. 24.*—
7. Degradation of rank; (*gradus dejectio*); an exchange into an inferior corps or less honourable service, (*militiæ mutatio*), *Val. Max. ibid.*—
8. To be removed from the camp, (*a castris segregari*), and employed in various works, *Veget. iii. 4.*; an imposition of labour, *munerum indictio*, or dismissal with disgrace, (*ignominiosè mitti*), *Hirt. de bell. Afr. 54.*; A. Gellius mentions a singular punishment, namely, of letting blood, (*sanguinem mittendi*), *x. 8.*

The more severe punishments were, 1. To be beaten with rods, (*virgis cædi*), or with a vine-sapling, (*vite*), *Val. Max. ii. 7. 4.*; *Juvenal. viii. 247.*— 2. To be scourged and sold as a slave, *Liv. Epit. 55.*— 3. To be beaten to death with sticks, called *FUSTUARIUM*, the bastinado, *Liv. v. 6.*; *Cic. Phil. iii. 6.*; *Polyb. vi.* which was the usual punishment of theft, desertion, perjury, &c. When a soldier was to suffer this punishment, the tribune first struck him gently with a staff,

on

on which signal all the soldiers of the legion fell upon him with sticks and stones, and generally killed him on the spot. If he made his escape, for he might fly, he could not however return to his native country, because no one, not even his relations, durst admit him into their houses, *Polyb. ibid.*—4. To be overwhelmed with stones (*lapidibus coöperiri*) and hurdles, (*sub crate necari*), *Liv. iv. 50. i. 51.*—5. To be beheaded, (*securi percussu*), *Liv. Epit. xv.* and to be left unburied, *Val. Max. ii. 7. 15.*—6. To be stabbed by the swords of the soldiers, *Tacit. Annal. i. 44.*; and under the emperors, to be exposed to wild beasts, or to be burnt alive, &c.

Punishments were inflicted by the legionary tribunes and prefects of the allies, with their council; or by the general, from whom there was no appeal.

When a number had been guilty of the same crime, as in the case of a mutiny, every tenth man was chosen by lot for punishment, which was called DECIMATIO, *Liv. ii. 59.* or the most culpable were selected, *Liv. xxviii. 29.*

MILITARY PAY and DISCHARGE.

The Roman soldiers at first received no pay (*stipendium*) from the public. Every one served at his own charges.

Pay was first granted to the foot, A. U. 347, *Liv. iv. 59.* and three years after, during the siege of Veji, to the horse, *Id. v. 7.*

It was in the time of the republic very inconsiderable; two *oboli* or three *asses* (about $2\frac{1}{2}$ d. English), a-day to a foot-soldier, the double to a centurion, and the triple to an *eques*, *Polyb. vi. 37.*; *Plaut. Moss. ii. 1. 10.* Julius Cæsar doubled it, *Suet. Jul. 26.* Under Augustus it was ten *asses*, ($7\frac{1}{4}$ d.), *Suet. Aug. 49.*; *Tacit. Ann. i. 17.* and Domitian increased it still more, by adding three gold pieces annually, *Suet. Domit. 7.* What was the pay

pay of the tribunes is uncertain; but it appears to have been considerable, *Juvenal.* iii. 132.

Besides pay, each soldier was furnished with clothes, and received a certain allowance (*dimensum*) of corn, commonly four bushels a-month, the centurions double, and the *equites* triple, *Polyb.* But for these things a part of their pay was deducted, *Tacit. Annal.* i. 17.

The allies received the same quantity of corn, except that the horse only received double of the foot. The allies were clothed and paid by their own states, *Polyb.*

Anciently there were no cooks permitted in the Roman army. The soldiers dressed their own victuals. They took food twice a-day, at dinner and supper. A signal was publicly given for both. The dinner was a very slight meal, which they commonly took standing. They indulged themselves a little more at supper. The ordinary drink of soldiers, as of slaves, was water mixed with vinegar, called *Posca*, *Plaut.* iii. 2. 23.

When soldiers had served out their time, (*stipendia legitima fecissent vel meruissent*), the foot twenty years and the horse ten, they obtained their discharge. This was called *MISSIO HONESTA* vel *JUSTA*. When a soldier was discharged for some defect or bad health, it was called *Missio CAUSARIA*; if from the favour of the general he was discharged before the just time, *Missio GRATIOSA*, *Liv.* xliii. 14.; on account of some fault, *IGNOMINIOSA*, *Hirt. de bell. Afr.* 54.; *l.* 13. *D. de re Milit.*

Augustus introduced a new kind of discharge, called *EXAUCTORATIO*, by which those who had served sixteen campaigns, were exempted from all military duty except fighting. They were however retained (*tenebantur*) in the army, not with the other soldiers under the standards, (*sub signis et aquilis*), but by themselves under a flag, (*sub vexillo seorsim*), *Tacit. Annal.* i. 36.; whence they were called *VEXILLARII* or *Veterani*, sometimes also *SUBSIGNANI*, *Tacit. Hist.* i. 70.) till they should receive a full discharge and the rewards of their service, (*præmia vel commoda militiæ*), either in lands or money,

money, or both, *Suet. Aug.* 49.; *Cal.* 44.; *Cic. Phil.* ii. 40.; *Virg. Ecl.* i. 71. ix. 2.—5.; *Horat. Sat.* ii. 6. 55. which sometimes they never obtained, *Tacit. Annal.* i. 17.; *Suet. Tiber.* 48. EXAUCTORARE is properly to free from the military oath, to disband, *Liv.* viii. 34. xxv. 20.; *Suet. Aug.* 24.; *Vit.* 10.

Method of ATTACKING and DEFENDING TOWNS.

The Romans attacked (*oppugnabant*) places either by a sudden assault, or if that failed, (*si subito impetu expugnare non poterant*), they tried to reduce them by a blockade, *Cæs. B. G.* vii. 36.

They first surrounded a town with their troops, (*coronâ cingebant vel circumdabant*, *Liv.* vii. 27. xxiii. 44. xxiv. 2.; *mænia exercitu circumvenerunt*, *Sallust. Jug.* 57.) and by their missile weapons endeavoured to clear the walls of defendants, (*nudare muros defensoribus, vel propugnatoribus*). Then joining their shields in the form of a *testudo* or tortoise, to secure themselves from the darts of the enemy, they came up to the gates, and tried either to undermine (*subruere vel subfodere*) the walls, or scale them, *Liv.* x. 43. xxvi. 45. xxxiv. 39. xlv. 9.; *Cæs. de B. G.* ii. 6.; *Tacit. Hist.* iii. 28. 31.

When a place could not be taken by storm, it was invested, *Liv.* ii. 11. Two lines of fortifications or intrenchments (*ancipitia munimenta vel munitiones*) were drawn around the place at some distance from one another, called the lines of contravallation and circumvallation; the one against the sallies of the townsmen, and the other against attacks from without, *Liv.* v. 1.

These lines were composed of a ditch and a rampart, strengthened with a parapet and battlements, (*lorica et pinna*), and sometimes of a solid wall of considerable height and thickness, flanked with towers and forts at proper distances round the whole.

At the foot of the parapet, or at its junction with the rampart, (*ad commissuras pluteorum atque aggeris*), there sometimes was a pallisade made of large stakes cut

in the form of stags horns; hence called CERVI, to prevent the ascent of the enemy. Before that, there were several rows of trunks of trees, or large branches sharpened at the ends, (*præacutis cacuminibus*), called CIPPI, fixed in trenches (*fossæ*) about five feet deep. In front of these were dug pits (*scrobes*) of three feet deep, intersecting one another in the form of a *quincunx*, thus,



stuck thick with strong sharp stakes, and covered over with bushes to deceive the enemy, called LILIA. Before these were placed up and down (*omnibus locis disse-rebantur*) sharp stakes about a foot long, (TALEÆ), fixed to the ground with iron hooks, called STIMULI. In front of all these, Cæsar at *Alesia* made a ditch twenty feet wide, 400 feet from the rampart, which was secured by two ditches, each fifteen feet broad and as many deep, one of them filled with water. But this was merely a blockade, without any approaches or attacks on the city, *Cæs. B. G.* vii. 66. 67.

Betwixt the lines were disposed the army of the besiegers, who were thus said, *Urbem obsidione claudere vel cingere*, to invest.

The camp was pitched in a convenient situation to communicate with the lines.

From the inner line was raised a mount (AGGER *exstruebatur*) composed of earth, wood, hurdles, (CRA-
TES), and stone, which was gradually advanced (*pro-
movebatur*) towards the town, always increasing in height, till it equalled or overtopped the walls. The mount which Cæsar raised against *Avaricum* or Bourges, was 330 feet broad and 80 feet high, *Cæs. B. G.* vii. 23.

The *Agger* or mount was secured by towers consist-
ing of different stories, (*turres contabulatæ*), from which
showers of darts and stones were discharged on the
townsmen

townsmen by means of engines, (*tormenta*), called CATAPULTÆ, BALISTÆ, and SCORPIONES, to defend the work and workmen, (*opus et administros tutari*), *Sallust. Jug. 76.* Of these towers Cæsar is supposed to have erected 1561 on his lines around Alesia, *Cæs. de bell. G. vii. 72.* The labour and industry of the Roman troops were as remarkable as their courage.

There were also moveable towers, (*TURRES MOBILES vel AMBULATORIÆ*), which were pushed forward (*admovebantur vel adigebantur*) and brought back (*reducebantur*) on wheels, fixed below (*rotis subjectis*) on the inside of the planks, *Cæs. B. G. ii. 31. v. 42. vii. 24.; Hirt. de bell. Alex. 2.; Liv. xxi. 11.*

To prevent them from being set on fire by the enemy, they were covered with raw hides (*coria*) and pieces of coarse cloth or mattresses, (*centones vel cilicia*), *Cæs. de bell. civ. ii. 10.* They were of an immense bulk, sometimes thirty, forty, or fifty foot square, and higher than the walls, or even the towers of the city. When they could be brought up to the walls, a place was seldom able to stand out long, *Liv. xxi. 11. 14. xxxii. 17. xxxiii. 17.*

But the most dreadful machine of all was the battering ram, (*ARIES*), a long beam, like the mast of a ship, and armed at one end with iron in the form of a ram's head; whence it had its name. It was suspended by the middle with ropes or chains fastened to a beam that lay across two posts, and hanging thus equally balanced, it was by a hundred men, more or less, (who were frequently changed), violently thrust forward, drawn back, and again pushed forward, till by repeated strokes it had shaken and broken down the wall with its iron head, *Veget. iv. 14.; Liv. xxi. 12. xxxi. 32. 46. xxxii. 23. xxxviii. 5.*

The ram was covered with sheds or mantles, called VINEÆ, machines constructed of wood and hurdles, and covered with earth or raw hides, or any materials which could not easily be set on fire. They were pushed forwards by wheels below, (*rotis subjectis agebantur*

vel *impellebantur*). Under them the besiegers either worked the ram, or tried to undermine the walls, *Liv.* ii. 17. v. 7. x. 34. xxi. 7. 61. xxiii. 18.

Similar to the *Vineæ* in form and use were the *TESTUDINES*; so called, because those under them were safe as a tortoise under its shell, *Liv.* v. 5.; *Cæs. B. G.* v. 41. 50.; *de Bell. Civ.* ii. 2. 14.

Of the same kind were the *PLUTEI*, *Liv.* xxi. 61. xxxiv. 17.; *Cæs. passim.* the *MUSCULUS*, *ibid.* &c.

These mantles or sheds were used to cover the men in filling up the ditches, and for various other purposes, *Cæs. B. G.* vii. 58.

When the nature of the ground would not permit these machines to be erected or brought forward to the walls, the besiegers sometimes drove a mine (*CUNICULUM* *agebant*) into the heart of the city, *Liv.* v. 19. 21. or in this manner intercepted the springs of water, *Hirt. de Bell. Gall.* viii. 41. 43.

When they only wished to sap the foundation of the walls, they supported the part to be thrown down with wooden props, which being consumed with fire, the wall fell to the ground.

In the mean time the besieged, to frustrate the attempts of the besiegers, met their mines with countermines, (*transversis cuniculis hostium cuniculos excipere*), *Liv.* xxiii. 18. which sometimes occasioned dreadful conflicts below ground, xxxviii. 7. The great object was to prevent them from approaching the walls, (*apertos, sc. ab hostibus vel Romanis, cuniculos morabantur, manibusque appropinquare prohibebant*), *Cæs. B. G.* vii. 22.

The besieged also, by means of mines, endeavoured to frustrate or overturn the works of the enemy, *Cæs. B. G.* iii. 21. vii. 22. They withdrew the earth from the mount, (*terram ad se introrsus subtrahebant*), or destroyed the works by fires below, in the same manner as the besiegers overturned the walls, *Cæs. ibid.*; *Joseph. de Bell. Jud.* iii. 12.

Where they apprehended a breach would be made, they reared new walls behind, with a deep ditch before them.

them. They employed various methods to weaken or elude the force of the ram, and to defend themselves against the engines and darts of the besiegers. But these, and every thing else belonging to this subject, will be best understood by reading the accounts preserved to us of ancient sieges, particularly of Alesia by Julius Cæsar, *de Bell. Gall.* 7.; of Marseilles, by his lieutenants, *Cæs. B. Civ.* ii.; and of Jerusalem, by Titus Vespasian, *Joseph. de Bell. Jud.*

The Romans before they laid siege to a place, used solemnly (*certo carmine*) to call out of it (EVOCARE) the gods, under whose protection the place was supposed to be, *Liv.* v. 21. Hence when Troy was taken, the gods are said to have left their shrines, *Virg. Æn.* ii. 351. For this reason, the Romans are said to have kept secret their tutelary god, and the Latin name of their city, *Macrob.* iii. 9.

NAVAL AFFAIRS of the ROMANS.

Navigation at first was very rude, and the construction of vessels extremely simple. The most ancient nations used boats made of trunks of trees hollowed, (*ex singulis arboribus cavatis*), *Virg. G.* i. 126. 262.; *Plin.* xvi. 41.; *Liv.* xxvi. 26. called ALVEI, LINTRES, SCAPHÆ, *vel* MONOXYLA, *Paterc.* ii. 107.; *Ovid. Fast.* ii. 407.; *Liv.* i. 4. xxv. 3.; *Plin.* vi. 23. or composed of beams and planks fastened together with cords or wooden pins, called RATES, *Festus*; or of reeds, called CANNÆ, *Juvenal.* v. 89.; or partly of slender planks, (*carinæ ac statumina*, the keel and ribs, *ex levi materia*), and partly of wicker hurdles or basket-work, (*reliquum corpus navium viminibus contextum*), and covered with hides as those of the ancient Britons, *Cæs. B. C.* i. 51.;

Lucan. iv. 131.; hence called NAVIGIA VITILIA *corio circumfuta*, *Plin.* iv. 16. and NAVES SUTILES, xxiv. 9. in allusion to which, Virgil calls the boat of Charon *Cymba subtilis*, *Æn.* vi. 414. somewhat similar to the Indian canoes, which are made of the bark of trees; or to the boats of the Icelanders and Esquimaux Indians, which are made of long poles placed cross-wise, tied together with whales sinews, and covered with the skins of sea-dogs, sewed with sinews instead of thread.

The Phœnicians, or the inhabitants of Tyre and Sidon, are said to have been the first inventors of the art of sailing, as of letters and astronomy, *Plin.* v. 12. For Jason, to whom the poets ascribe it, *Ovid. Met.* vi. *vers. ult.* and the Argonauts, who first sailed under Jason from Greece to Colchis in the ship *Argo*, in quest of the golden fleece, that is of commerce, *Juslin.* xlii. 2. flourished long after the Phœnicians were a powerful nation. But whatever be in this, navigation certainly received from them its chief improvements.

The invention of sails is ascribed by some to Æolus, the god of the winds, and by others to Dædalus; whence he is said to have flown like a bird through the air. They seem to have been first made of skins, which the *Veneti*, a people of Gaul, used even in the time of Cæsar, *B. G.* iii. 13. afterwards of flax or hemp; whence *lintea* and *Carbasa*, (*sing. -us*), are put for *vela*, sails. Sometimes cloaths spread out were used for sails, *Tacit. Ann.* ii. 24.; *Hist.* v. 23.; *Juvenal.* xii. 66.

It was long before the Romans paid any attention to naval affairs. They at first had nothing but boats made of thick planks, (*ex tabulis crassioribus*, *Festus*), such as they used on the Tiber, called NAVES CAUDICARIÆ; whence Appius Claudius, who first persuaded them to fit out a fleet, A. U. 489, got the surname of CAUDEX, *Senec. de brev. vita*, 13.; *Varr. de vit. Rom.* 11. They are said to have taken the model of their first ship of war from a vessel of the Carthaginians, which happened to be stranded on their coasts, and to have exercised their men on land to the management of ships, *Polyb.* i.

But

But this can hardly be reconciled with what Polybius says in other places, nor with what we find in Livy about the equipment and operations of a Roman fleet, *Liv.* ix. 30. 38. Their first ships of war were probably built from the model of those of *Antium*, which, after the reduction of that city, were brought to Rome, *A. U.* 417. *Liv.* viii. 14. It was not, however, till the first Punic war that they made any figure by sea.

Ships of war were called NAVES LONGÆ, because they were of a longer shape than ships of burden, (*naves ONERARIÆ*, ὀναρισ, whence *hulks*; or *barcæ*, barks), which were more round and deep, *Cæs. B. G.* iv. 20. v. 7. The ships of war were driven chiefly by oars, the ships of burden by sails, *Cæs. B. G.* iv. 25.; *Cic. Fam.* xii. 15.; and as they were more heavy, (*graviores*), and sailed more slowly, they were sometimes towed (*remulco tracta*) after the war-ships, *Liv.* xxxii. 16.

The ships of war were variously named from their rows or ranks of oars, (*ab ordinibus remorum*). Those which had two rows or tires were called *Birēmes*, (*Dicrota*, *Cic. Att.* v. 11. xvi. 4. vel *Dicrota*, *Hirt. B. Alex.* 47.); three, *trirēmes*; four, *quadrirēmes*; five, *quinquerēmes* vel *pentēres*.

The Romans scarcely had any ships of more than five banks of oars; and therefore those of six and seven banks are called by a Greek name, *Hexēres*, *Heptēres*, *Liv.* xxxvii. 23. and above that by a circumlocution, *naves octo, novem, decem ordinum*, vel *versuum*, *Flor.* iv. 11. Thus Livy calls a ship of sixteen rows, (ἑξακισχίρητος, *Polyb.*) *navis ingentis magnitudinis, quam sexdecim versus remorum agebant*, *Liv.* xlv. 35. This enormous ship, however, failed up the Tiber to Rome, *Ibid.*

There are various opinions about the manner in which the rowers sat. That most generally received is, that they were placed above one another in different stages or benches (*in transiris* vel *jugis*) on the side of the ship, not in a perpendicular line, but in the form of a *quincunx*. The oars of the lowest bench were short, and those of the other benches increased in length, in proportion

proportion to their height above the water. This opinion is confirmed by several passages in the classics, *Virg. Æn. v. 119.*; *Lucan. iii. 536.*; *Sil. Italic. xiv. 424.* and by the representations which remain of ancient gallies, particularly that on Trajan's pillar at Rome. It is, however, attended with difficulties not easily reconciled.

There were three different classes of rowers whom the Greeks called *Thranitæ*, *Zeugitæ* or *Zeugioi*, and *Thalamitæ*, or *-ioi*, from the different parts of the ship in which they were placed. The first sat in the highest part of the ship, next the stern; the second, in the middle; and the last in the lowest part, next the prow. Some think that there were as many oars belonging to each of these classes of rowers, as the ship was said to have ranks or banks of oars: Others, that there were as many rowers to each oar, as the ship is said to have banks; and some reckon the number of banks, by that of oars on each side. In this manner they remove the difficulty of supposing eight or ten banks of oars above one another, and even forty; for a ship is said by Plutarch and Athenæus, to have been built by Ptolemy Philopator which had that number. But these opinions are involved in still more inextricable difficulties.

Ships contrived for lightness and expedition (*naves ACTUARIÆ*) had but one rank of oars on each side, (*simplice ordine agebantur*, *μονήρης*, *Tacit. Hist. v. 23.*) or at most two, *Cæs. B. G. v. 1.*; *Lucan. iii. 534.* They were of different kinds, and called by various names; as, *Celoces*, i. e. *naves celeres vel cursoriæ*, *Lembi*, *Phaseli*, *Myoparones*, &c. *Cic. et Liv.* But the most remarkable of these were the *naves LIBURNÆ*, a kind of light gallies used by the *Liburni*, a people of Dalmatia addicted to piracy. To ships of this kind, Augustus was in a great measure indebted for his victory over Antony at Actium. Hence after that time the name of *naves LIBURNÆ* was given to all light quick-sailing vessels, and few ships were built but of that construction, *Veget. iv. 33.*

Ships

Ships were also denominated from the country to which they belonged, *Cæs. B. C.* iii. 5.; *Cic. Verr.* v. 33. and the various uses to which they were applied; as, NAVES MERCATORIÆ, *frumentaria*, *vinaria*, *olearia*; PISCATORIÆ, *Liv.* xxiii. 1. vel *lenunculi*, fishing-boats, *Cæs. B. C.* ii. 39.; SPECULATORIÆ et *exploratoria*, *spie* boats, *Liv.* xxx. 10. xxxvi. 42.; PIRATICÆ vel *prædatoria*, *Id.* xxxiv. 32. 36.; HYPPAGOGÆ vel *Hyppagines*, for carrying horses and their riders, *Liv.* xlv. 28.; *Gell.* x. 25.; *Festus.* TABELLARIÆ, *message-boats*, *Senec. Epist.* 77.; *Plaut. Mil. Glor.* iv. 1. 39.; VECTORIÆ GRAVESQUE, transports and ships of burden; *Annotinæ privataque*, built that or the former year for private use: Some read *annonaria*, i. e. for carrying provisions, *Cæs. B. G.* v. 7.

Gallies kept by princes and great men for amusement, were called by various names; *Triremes ceratæ* vel *arata*, *lusoria* et *cubiculata* vel *thalamēgi*, pleasure-boats or barges, *Senec. de ben.* vii. 20.; *Suet. Cæs.* 52. *privæ*, i. e. *proprie* et *non meritoria*, one's own, not hired, *Horat. Ep.* i. 1. 92.; sometimes of immense size, *Decēres* vel *decemrēmes*, *Suet. Cal.* 37.

Each ship had a name peculiar to itself inscribed or painted on its prow; thus, PRISTIS, SCYLLA, CENTAURUS, &c. *Virg. Æn.* v. 116. &c. called PARASEMON, its sign, *Herodot. in Uran.*; *Liv.* xxxvii. 29. or INSIGNE, *Tacit. Ann.* vi. 34. as its tutelary god (*tutela* vel *tutelare numen*) was on its stern, *Ovid. Trist.* i. el. 3. v. 110. et el. 9. v. 1.; *Herod.* xvi. 112.; *Perf.* vi. 30.; *Sil. Ital.* xiv. 411. 439. whence that part of the ship was called TUTELA or *Cautel*, and held sacred by the mariners, *Lucan.* iii. 510.; *Senec. Epist.* 76.; *Petron.* c. 65. There supplications and treaties were made, *Liv.* xxx. 36.; *Sil. Ital.* xiii. 76.

In some ships the *tutela* and *παράσημον* were the same, *Serv. ad Virgil.*; *Æn.* v. 116.; *Act. Apost.* xxviii. 11.

Ships of burden used to have a basket suspended on the top of their mast as their sign, (*pro signo*); hence they

they were called *CORBITÆ*, *Festus*.; *Cic. Att.* xvi. 6.; *Plaut. Pen.* iii. 1.

There was an ornament in the stern, and sometimes on the prow, made of wood like the tail of a fish, called *APLUSTRE*, vel plur. *-ia*, from which was erected a staff or pole with a ribbon or streamer (*fascia* vel *tania*) on the top, *Juvenal.* x. 136.; *Lucan.* iii. 671.

The ship of the commander of a fleet (*navis prætoria*) was distinguished by a red flag, (*vexillum* vel *velum purpureum*), *Tacit. Hist.* v. 22.; *Plin.* xix. 1.; *Cæs. B. C.* ii. 6.

The chief parts of a ship and its appendages were, *CARINA*, the keel or bottom; *Statumina*, the ribs, or pieces of timber which strengthened the sides; *PRO-RA*, the prow or fore-part, and *PUPPIS*, the stern or hind-part; *ALVEUS*, the belly or hold of the ship; *SENTINA*, the pump, *Cæs. B. C.* iii. 25. or rather the bilge or bottom of the hold, where the water, which leaked into the ship, remained till it was pumped out, (*donec per ANTLIAM exhauriretur*), *Cic. Fam.* ix. 15.; *Martial.* ix. 19. 4.; *Suet. Tib.* 51. or the bilge-water itself, *Juvenal.* vi. 99.

On the sides (*latera*) were holes (*foramina*) for the oars, (*REMI*, called also by the poets *tonsa*, the broad part or end of them, *palma* vel *palmula*), and seats (*sedilia* vel *transra*) for the rowers, (*REMIGES*).

Each oar was tied to a piece of wood, (*paxillus* vel *lignum teres*), called *SCALMUS*, by thongs or strings, called *STROPPI* vel *struppi*, *Isid.* xix. 4.; hence *scalmus* is put for a boat, *Cic. Off.* iii. 14. *Navicula duorum scalmorum*, a boat of two oars, *Cic. Orat.* ii. 34.; *Actu-aria*, sc. *navis*, *decem scalmis*, *Id. Att.* xvi. 3. The place where the oars were put when the rowers were done working, was called *CASTERIA*, *Plaut. Afin.* iii. 1. 16.

On the stern was the rudder, (*GUBERNACULUM* vel *clavus*), and the pilot (*gubernator*) who directed it.

Some

Some ships had two rudders, one on each end, and two prows, so that they might be moved either way without turning, *Tacit. Annal.* ii. 6.; much used by the Germans, *Id. de mor. G.* 44. and on the *Pontus Euxinus*, or Black Sea, called CAMARÆ, because in a swelling sea they were covered with boards like the vaulted roof of a house, (*camæra*), *Id. hist.* iii. 47.; *Gell.* x. 25.: hence *Camaritæ*, the name of a people bordering on the Black Sea, *Eustath. ad Dionys.* 700.

On the middle of the ship was erected the mast, (MALUS), which was raised (*attollebatur vel erigebatur*, *Cic. Verr.* v. 34.) when the ship left the harbour, and taken down (*inclinabatur vel ponebatur*), when it approached the land, *Virg. Æn.* v. 829.; *Lucan.* iii. 45.; the place where it stood was called MODIUS, *Isid.* xix. 2. The ships of the ancients had only one mast.

On the mast were fixed the sail-yards, (ANTENNÆ vel brachia), and the sails (VELA) fastened by ropes, (*funes vel rudentes*).

The sails were usually white, as being thought more lucky, *Ovid. Her.* ii. 11.; *Catull.* lxiv. 225, &c. sometimes coloured, *Plin.* xix. 1.

The ends of the sail-yards were called CORNUA; from which were suspended two ropes called PEDES, braces, by pulling which towards the stern, the sails were turned to the right or left. If the wind blew obliquely from the left, they pulled the rope on the right, and so on the contrary: Hence *facere pedem*, to trim or adjust the sails, *Virg. Æn.* v. 830. *Obliquat lavo pede carbasa*, turns the sails so as to catch the wind blowing from the right, *Lucan.* v. 428.; so *obliquat sinus in ventum*, *Virg. Æn.* v. 16. *Currere utroque pede*, to sail with a wind right a-stern, or blowing directly from behind, *Catull.* iv. 21.; *Plin.* ii. 47. *f.* 48. *Intendere brachia velis*, i. e. *vela brachiis*, to stretch the sails, or to haul them out to the yard arms, *Virg. Æn.* v. 829.; *Dare vela ventis*, to set sail, *Virg. Æn.* iv. 546.: So *Vela facere*, *Cic. Verr.* v. 34. or to make way, *Virg. Æn.* v. 281.; *Subducere vela*, to lower the sails, *Sil.* vi.

325.; *Ministrare velis* vel -a, i. e. *attendere*, to manage, by drawing in and letting out the opposite braces, (*adducendo et remittendo vel proferendo pedes*), *Virg. Æn.* vi. 302. x. 218.* *Velis remis*, sc. et; i. e. *summa vi, manibus pedibusque, omnibus nervis*, with might and main, *Cic. ad Q. Fratr.*; *Tusc.* iii. 11.; *Off.* iii. 33.; but in the last passage the best copies have *viris equisque*; as *Phil.* viii. 7. So *remigio veloque*, *Plaut. Afin.* i. 3. 5. who puts *navales pedes* for *remiges et nauta*, *Men.* ii. 2. ult.

The top-sails were called SUPPARA *velorum*, *Lucan.* v. 429.

Carina, puppis, and even *trabs*, a beam, are often put by the poets for the whole ship; but never *velum*, as we use *sail* for one ship or many; thus, *a sail, an hundred sail*.

The rigging and tackling of a ship, its sails, sail-yards, oars, ropes, &c. were called ARMAMENTA, *Plaut. Merc.* i. 62. Hence *arma* is put for the sails, *colligere arma jubet*, i. e. *vela contrahere*, *Virg. Æn.* v. 15. and for the rudder, *spoliata armis*, i. e. *clavo*, vi. 353.

Ships of war, (*naves longæ vel bellicæ*), and these only, had their prows armed with a sharp beak, (*ROSTRUM*, oftener *plur. ROSTRA*), *Cæs. B. G.* iii. 13.; *Sil. Ital.* xiv. 482. which usually had three teeth or points, *Virg. Æn.* v. 142. viii. 690.; whence these ships were called ROSTRATÆ; and because the beak was covered with brass, ÆRATÆ, *Cæs. B. C.* ii. 3.; *Horat. Od.* ii. 16. 21.

Ships when about to engage had towers erected on them, whence stones and missive weapons were discharged from engines, *Cæs. B. G.* iii. 14.; *Flor.* iv. 11.; *Plin.* xxxii. 1.; *Plutarch. in Ant.* called PROPUGNACULA, *Flor.* ii. 2.; *Horat. Epod.* i. 2.; hence *turritæ puppes*, *Virg. Æn.* viii. 693. Agrippa invented a kind of towers which were suddenly raised, *Serv. in Virg.* Towers used also to be erected on ships in sieges and

at

at other times, *Liv.* xxiv. 34.; *Tacit. Ann.* xv. 9.; *Sil. Ital.* xiv. 418.

Some ships of war were all covered, (*tecta vel constrata*, κατασπράκται; *quæ κατασπράματα*, *tabulata vel constrata habebant*, decks); others uncovered, (*aperta ἀπρᾶκται*), *Cic. Att.* v. 11. 12. x. 11. except at the prow and stern where those who fought stood, *Liv.* xxx. 43. xxxvi. 42.; *Cæs. passim.*; *Cic. Verr.* v. 34.

The planks or platforms (*tabulata*) on which the mariners sat or passed from one part of the ship to another, were called *FORI*, (*ab eo quod incessus ferant*), *Serv. ad Virg. Æn.* iv. 605. vi. 412.; *Cic. Sen.* 6.; and the helps to mount on board, *PONTES vel SCALÆ*, (ἐπιστάδες *vel κλίμακες*.) Some take *fori* for the deck, others for the seats. It is at least certain they were both in the top of the ship and below, *Sil.* 14. 425.; *Lucan.* iii. 630. We also find *forus*, *ling. Gell.* xvi. 19.

The anchor (*ANCHORA*) which moored or fastened (*fundabat vel alligabat*) the ships, was at first of stone, sometimes of wood filled with lead, but afterwards of iron. It was thrown (*jaciebatur*) from the prow, *Virg. Æn.* vi. ult. by a cable, and fixed in the ground while the ship stood at anchor, (*ad anchoram vel in anchora stabat*), *Cæs. B. G.* v. 10. and raised (*tollebatur vel vellebatur*) when it sailed, *Id.* iv. 23.; sometimes the cable (*anchorage vel anchora*) was cut, (*præcidebatur*), *Liv.* xxii. 19.; *Cic. Verr.* v. 34. The *Venēti* used iron chains instead of ropes, *Cæs. B. G.* iii. 13.

The plummet for sounding depths (*ad altitudinem maris explorandam*) was called *BOLIS* or *Catapirates*, *Isid.* xix. 4.

The ropes by which a ship was tied to land were called *RETINACULA*, *Virg. Æn.* iv. 580.; or *ORÆ*, *Liv.* xxii. 19. xxviii. 36.; or simply *FUNES*, *Virg. Æn.* iii. 639. 667.

The ancients had ropes for girding a ship in a storm, which are still used, *Horat. Od.* i. 14.; *Act. Apost.* xxvii. 17. They had also long poles, (*conti, perticæ, fudes vel trudes*),

trudes), to push it off rocks and shoals, *Virg. Æn. v.* 208.

Sand, or whatever was put in a ship to keep it steady, was called SABURRA, ballast, *Liv. xxxvii. 14.*; *Virg. G. iv. 195.*

Ships were built (*ædificabantur*) of fir, (*abies*), *Virg. G. ii. 68.* alder, (*alnus*), *Lucan. iii. 440.* cedar, pine, and cypress, *Veget. iv. 34.*; by the *Veneti* of oak, (*ex robore*), *Cæf. B. G. iii. 13.* sometimes of green wood; so that a number of ships were put on the stocks, (*positæ*), completely equipped and launched, (*instructæ v. ornate armatæque in aquam deductæ sint*), in forty-five days after the timber was cut down in the forest, *Liv. xxviii. 45.*; by Cæsar, at Arles, against the people of Marseilles, in thirty days, *de Bell. Civ. i. 34.*

There was a place at Rome beyond the Tiber where ships lay and were built, called NAVALIA, the dock, *Liv. iii. 26. viii. 14. xl. 51.*

As the Romans quickly built fleets, they as speedily manned them. Freedmen and slaves were employed as mariners or rowers, (*nautæ vel remiges*), who were also called SOCII NAVALES, *Liv. xxi. 49. 50. xxii. 11. xxvi. 17.* and CLASSICI, *xxvi. 48.*; *Curt. iv. 3. 18.* The citizens and allies were obliged to furnish a certain number of these, according to their fortune, and limited sometimes to supply them with provisions and pay for a time, *Liv. xxiv. 11. xxvi. 35.*

The legionary soldiers at first used to fight at sea as well as on land. But when the Romans came to have regular and constant fleets, there were a separate kind of soldiers raised for the marine-service, (*milites in classem scripti*), *Liv. xxii. 57.* who were called CLASSICARI, or EPIBATÆ, *Cæf. passim.*; *Suet. Galb. 12.*; *Tacit. Annal. xv. 51.*; but this service was reckoned less honourable than that of the legionary soldiers, *Suet. ibid.*; *Liv. xxxii. 23.*; *Tacit. Hist. i. 87.* The rowers also were occasionally armed, *Liv. xxvi. 48. xxxvii. 16.*

The allies and conquered states were in after times bound to furnish a certain number of ships completely equipped

equipped and manned, *Cic. Verr.* v. 17. &c.; *Liv.* xxxvi. 43. xlii. 48. Some only stores, arms, tackling, and men, xxviii. 45.

Augustus stationed a fleet on the Tuscan sea at *Misenum*, and another on the Hadriatic at *Ravenna*, *Suet.* Aug. 49.; *Tacit. Annal.* iv. 5.; *Veget.* iv. 31. and in other parts of the empire, *Tacit. Hist.* i. 58. ii. 83. iv. 79.; also on rivers, as the Rhine and Danube, *Tacit. Annal.* xii. 30.; *Flor.* iv. 12. 26.

The admiral of the whole fleet was called DUX PRÆFECTUSQUE CLASSIS, *Cic. Verr.* v. 34. and his ship, NAVIS PRÆTORIA, *Liv.* xxix. 25. which in the night-time had as a sign (*signum nocturnum*) three lights, *Ibid.*

At first the consuls and prætors used to command the fleets of the republic, or some one under them; as *Lælius* under *Scipio*, *Liv.* xxvii. 42. xxix. 25.

The commanders of each ship were called NAVARCHI, *Cic. Verr.* iii. 80. v. 24. or TRIERARCHI, i. e. *præfetti trieris vel trirēmis navis*, *Cic. Verr.* i. 20.; *Tacit. Hist.* ii. 9.; *Suet. Ner.* 34. or MAGISTRI NAVIUM, *Liv.* xxix. 25. The master or proprietor of a trading vessel, NAUCLERUS, *Plaut. Mil.* iv. 3. 16. NAVICULATOR, vel -ARIUS, *Cic. Fam.* xvi. 9.; *Att.* ix. 3.; *Verr.* ii. 55.; *Manil.* 5. who, when he did not go to sea himself, but employed another to navigate his ship, was said *Naviculariam* sc. rem facere, *Cic. Verr.* v. 18.

The person who steered the ship and directed its course was called GUBERNATOR, the pilot, sometimes also MAGISTER, *Virg. Æn.* v. 176.; *Sil.* iv. 719. He sat at the helm on the top of the stern dressed in a particular manner, *Plaut. Mil.* iv. 4. 41. 45. and gave orders about spreading or contracting the sails, (*expandere vel contrahere vela*), plying or checking the oars, (*incumbere remis vel eos inhibere*), &c. *Virg.* v. 12. x. 218.; *Cic. Orat.* i. 33.; *Att.* xiii. 21.

It was his part to know the signs of the weather, to be acquainted with ports and places, and particularly to observe the winds and the stars, *Ovid. Met.* iii. 592.;

Lucan. viii. 172.; *Virg. Æn.* iii. 201. 269. 513. For as the ancients knew not the use of the compass, they were directed in their voyages chiefly by the stars in the night time, and in the day-time by coasts and islands which they knew. In the Mediterranean, to which navigation was then chiefly confined, they could not be long out of the sight of land. When overtaken by a storm, the usual method was to drive their ships on shore, (*in terram agere vel ejicere*), and when the danger was over, to set them afloat again by the strength of arms and levers. In the ocean they only cruised along the coast.

In some ships there were two pilots, *Ælian.* ix. 40. who had an assistant called PRORETA, *Plaut. Rud.* iv. 3. 75. i. e. *Custos et tutela prora*, who watched at the prow, *Ovid. Met.* iii. 617.

He who had command over the rowers was called HORTATOR and PAUSARIUS, (*καλύπτης*), *Plaut. Merc.* iv. 2. 4.; *Senec. Epist.* 56.; *Ovid. ibid.* or PORTISCULUS, *Plaut. Asin.* iii. 1. 15. which was also the name of the staff or mallet with which he excited or retarded them, (*celeusmata vel hortamenta dabat*), *Festus. Isid. Orig.* xix. 12. He did this also with his voice in a musical tone, that the rowers might keep time in their motions, *Serv. ad Virg.* iii. 128.; *Sil.* vi. 360.; *Val. Flacc.* i. 470.; *Martial.* iiii. 67. iv. 64.; *Quintil.* i. 10. 16.; *Stat. Theb.* vi. 800. Those who hauled or pulled a rope, who raised a weight, or the like, called HELCIARII, used likewise to animate one another with a loud cry, *Martial. ibid.*

Before a fleet (CLASSIS) set out to sea, it was solemnly reviewed (*lusitata est*) like an army, *Cic. Phil.* xii. 3.; prayers were made and victims sacrificed, *Liv.* xxix. 27. xxxvi. 42.; *Appian. Bell. Civ.* v.; *Virg. Æn.* iii. 118. v. 772.; *Sil.* xvii. 48. The auspices were consulted, *Val. Max.* i.; *Hor. Epod.* x. i. xvi. 24.; and if any unlucky omen happened, as a person sneezing on the left, or swallows alighting on the ships, &c. the voyage was suspended, *Polyæn.* iii. 10.; *Frontin.* i. 12.

The

The mariners when they set sail or reached the harbour, decked the stern with garlands, *Virg. Æn. iv. 418. ; G. i. 303.*

There was great labour in launching (*in deducendo*) the ships, *Virg. iv. 397. ;* for as the ancients seldom sailed in winter, their ships during that time were drawn up (*subductæ*) on land, *Horat. Od. i. 4. ; Virg. Æn. i. 555. and stood on the shore, Virg. Æn. iii. 135. 277.*

They were drawn to sea by ropes and levers, (*vestibus*), with rollers placed below, (*cylindris lignisque terebibus et rotundis subjectis*), called PALANGES, vel -gæ *Cæs. B. C. ii. 9. or SCUTULÆ, Ibid. iii. 34. and according to some, lapsus rotarum ; but others more properly take the phrase for rotas labentes, wheels, Virg. Æn. ii. 236.*

Archimedes invented a wonderful machine for this purpose, called HELIX, *Athen. v. ; Plutarch. in Marcell. —Sil. Ital. xiv. 352.*

Sometimes ships were conveyed for a considerable space by land, *Liv. xxv. 11. ; Sil. xii. 441. ; Suet. Cal. 47. and for that purpose they were sometimes so made, that they might be taken to pieces, a practice still in use, Curt. viii. 10. ; Justin. xxxii. 3.*

The signal for embarking was given with the trumpet, *Lucan. ii. 690.* They embarked (*conscendebant*) in a certain order, the mariners first, and then the soldiers, *Liv. xxix. 25. xxii. 19.* They also sailed in a certain order, *Virg. Æn. v. 833. ;* the light vessels usually foremost, then the fleet or ships of war, and after them the ships of burden. But this order was often changed, *Liv. passim.*

When they approached the place of their destination, they were very attentive to the objects they first saw, in the same manner as to omens at their departure, *Virg. Æn. iii. 537. ; Liv. xxix. 27. xxx. 25.*

When they reached the shore, (*terram appulerunt*), and landed (*exposuerunt*) the troops, prayers and sacrifices again were made, *Liv. xxxvii. 14. 47.*

If the country was hostile, and there was no proper harbour, they made a naval camp (*castra navalia* vel *nautica*) and drew up their ships on land, (*subducebant*); *Liv.* xxx. 9. 10. xxiii. 28.; *Cæs. B. G.* iv. 21. They did so, especially if they were to winter there, *Liv.* xxxvi. 45. xxxviii. 8. But if they were to remain only for a short time, the fleet was stationed in some convenient place (*ad anchoram stabat, vel in statione tenebatur*) not far from land, *Liv.* xxxi. 23. xxxvii. 15. xxiv. 17.; *Cæs. B. C.* iii. 6. iv. 21.; *B. Alex.* 25.

Harbours (PORTUS) were most strongly fortified, especially at the entrance, (*aditus vel introitus*; or, *ostium* vel *fauces*), *Virg. Æn.* i. 404.; *Cic. et Liv.* The two sides of which, or the *plers*, were called CORNUA, *Cic. Att.* ix. 14.; *Lucan.* ii. 615. 706. or BRACHIA, *Suet. Claud.* 20.; *Liv.* xxxi. 26.; on the extremities were erected bulwarks and towers, *Vitruv.* v. 11. There was usually also a watch-tower, (PHAROS, plur. -i), *Ibid.* with lights to direct the course of ships in the night-time; as at Alexandria in Egypt, *Cæs. B. C.* iii. ult.; *Plin.* xxxvi. 12. at Capræ, *Brundisium*, and other places, *Suet. Tib.* 74.; *Cal.* 46.; *Stat. Sylv.* iii. 5. 100. A chain sometimes was drawn across as a barrier or boom, (*claustrum*), *Frontin. Strat.* i. 5. 6.

Harbours were naturally formed at the mouths of rivers; hence the name of OSTIA at the mouth of the Tiber, *Serv. ad Virg. Æn.* v. 281.; *Liv.* i. 33. xxvi. 19. Ovid calls the seven mouths of the Nile PORTUS, *Her.* xiv. 107.; *Amor.* ii. 13. 10.

Harbours made by art (*manu vel arte*) were called COTHONES, vel -NA, orum, *Serv. ad Virg. Æn.* 431.; *Festus*.

Adjoining to the harbour were docks, (NAVALIA, -ium), where the ships were laid up, (*subductæ*), careened and refitted, (*refectæ*), *Cic. Off.* ii. 17.; *Liv.* xxxvii. 10.; *Cæs. B. C.* ii. 3. 4.; *Virg.* iv. 593.; *Ovid. Amor.* ii. 9. 21.

Fleets about to engage were arranged in a manner similar to armies on land. Certain ships were placed in the

the centre, (*media acies*), others in the right wing, (*dextrum cornu*), and others in the left; some as a reserve, (*subsídio, naves subsidiariæ*), *Hirt. de Bell. Al.* 10.; *Liv.* xxxvii. 23. 29. xxxvi. 44. We find them sometimes disposed in the form of a wedge, a *forceps*, and a circle, *Polyb.* i.; *Polyæn.* iii.; *Thucyd.* ii. but most frequently of a semicircle or half-moon, *Veget.* iv. 45.; *Sil.* xiv. 370.

Before the battle, sacrifices and prayers were made as on land; the admiral sailed round the fleet in a light galley, (*navis æstuararia*), and exhorted the men.

The soldiers and sailors made ready (*se expediebant*) for action; they furled the sails and adjusted the rigging; for they never chose to fight but in calm weather, *Liv.* xxvi. 39.

A red flag was displayed from the admiral's ship, as a signal to engage. The trumpets in it and all the other ships were sounded, *Sil.* xiv. 372. and a shout raised by all the crews, *Lucan.* iii. 540.

The combatants endeavoured to disable or sink the ships of the enemy, by sweeping off (*detergendo*) the oars, or by striking them with their beaks, chiefly on the sides. They grappled with them by means of certain machines called crows, (*CORVI*), iron hands or hooks, (*FERREÆ MANUS*), drags or grappling irons, (*HARPAGONES*, i. e. *asserēs ferreo unco præfixi*), &c. and fought as on land, *Flor.* ii. 2.; *Liv.* xxvi. 39. xxx. 10.; *Cæs. B. C.* i. 52. They sometimes also employed fire-ships, *Hirt. B. Alex.* 11. In sieges they joined vessels together, and erected on them various engines, *Curt.* iv. 13.; *Liv.* xxiv. 34. xxvi. 26.; *Cæs. B. C.* iii. 34. or sunk vessels to block up their harbours, *Ibid. et Liv.* xxxv. 11. 14.

The prizes distributed after a victory at sea, were much the same as on land. (See p. 359.) Also naval punishments, pay, and provisions, &c. *Liv.* xxiii. 21. 48.

The trading vessels of the ancients were in general much inferior in size to those of the moderns. Cicero mentions a number of ships of burden, none of which

was below 2000 *amphoræ*, (*quarum minor nulla erat duum millium amphorum*), i. e. about fifty-six ton, which he seems to have thought a large ship, *Cic. Fam. xii. 15.* There were, however, some ships of enormous bulk. One built by Ptolemy is said to have been 280 cubits, i. e. 420 feet long, and another 300 feet; the tonnage of the former 7182, and of the latter, 3197, *Athenæus*. The ship which brought from Egypt the great obelisk that stood in the *Circus* of the Vatican in the time of Caligula, besides the obelisk itself, had 120,000 *modii* of *lentes* for ballast, about 1138 ton, *Plin. xvi. 40.*

CUSTOMS of the ROMANS.

I. The ROMAN DRESS.

The distinguishing part of the Roman dress was the TOGA or gown, as that of the Greeks was the *Pallium*, *Suet. Aug. 98.*; and of the Gauls, *Bracæ*, breeches, *Suet. Jul. 80.*; *Claud. 15.*; *Plin. Epist. iv. 11.*; whence the Romans were called GENS TOGATA, *Virg. Æn. i. 286.*; *Suet. Aug. 40.* or TOGATI, *Cic. Rosc. Am. 46.*; *Verr. i. 29. ii. 62.*; *Orat. i. 24. iii. 11.*; *Sallust. Jug. 21.*; *Tacit. Hist. ii. 20.*; and the Greeks, or in general those who were not Romans, PALLIATI, *Suet. Cæs. 4. 8.*; *Cic. Rabir. Post. 9.*; *Phil. v. 5.*; and *Gallia Cisalpina*, when admitted into the rights of citizens, was called TOGATA, *Cic. Phil. viii. 9.* Hence also *Fabule Togatæ et Palliatæ*. (See p. 329.). As the *toga* was the robe of peace, *togati* is often opposed to *armati*, *Cic. Cæcin. 15.*; *Off. i. 23.*; *Pis. 3.*

The

The Romans were particularly careful in foreign countries, always to appear dressed in the *toga*, Cic. *Rabir.* 10.

The **TOGA** (*a tegendo, quod corpus tegat, Varro.*) was a loose (*laxa*) flowing (*fluitans*) woollen robe, which covered the whole body, round and close at the bottom, (*ab imo*), but open at the top down to the girdle, (*ad cincturam*), without sleeves; so that the right arm was at liberty, and the left supported a part (*lacinia*, a flap or lappet), of the *toga*, which was drawn up (*subducebatur*) and thrown back over the left shoulder, and thus formed what was called **SINUS**, a fold or cavity upon the breast, in which things might be carried, *Liv.* xxi. 18.; *Plin.* xv. 18.; *Gell.* iv. 18. and with which the face or head might be covered, *Suet. Jul.* 82.; *Liv.* viii. 9.

The *toga* in latter times had several folds, but anciently few or none, (*veteribus nulli sinus*), *Quintilian.* xi. 3. These folds when collected in a knot or centre, *Virg. Æn.* i. 324. were called **UMBO**, which is put for the *toga* itself, *Perf.* v. 33.

When a person did any work, he tucked up (*succingebat*), his *toga*, and girded it (*astringebat*) round him: Hence *Accingere se operi vel ad opus*, or oftener in the passive *accingi*, to prepare, to make ready. See p. 74.

The *toga* of the rich and noble, was finer and larger (*laxior*) than of the less wealthy, *Horat. Epod.* iv. 8.; *Epist.* i. 18. 30. A new *toga* was called **PEXA**, when old and thread bare, *trita*, *Id. Ep.* i. 95.; *Martial.* ii. 44. 58.

The Romans were at great pains to adjust (*componere*) the *toga*, that it might fit properly, (*ne impar dissideret*), and not draggle, (*nec desueret*), *Horat. Sat.* ii. 3. 77. i. 3. 31.; *Epist.* i. 1. 95.; *Quintil.* xi. 3.; *Macrobi.* *Sat.* ii. 9.

The form of the *toga* was different at different times. The Romans at first had no other dress, *Gell.* vii. 12. It was then strait (*arcta*) and close; it covered the arms and came down to the feet, *Quintil. ibid.*

The

The *toga* was at first worn by women as well as men. But afterwards matrons wore a different robe called *STOLA*, with a broad border or fringe (*limbus*) called *INSTITA*, *Horat. Sat. i. 2. 29.* reaching to the feet, *Ovid. Art. Am. i. 32.*; *Tibull. i. 7. 74.*; and also, as some say, when they went abroad, a loose outer robe thrown over the *stola* like a furtout, a mantle, or cloak, called *PALLA* or *Peplus*, *Hor. ib. 99.* But the old scholiast on Horace makes *palla* here the same with *instita*, and calls it *Peripodium*, and *Tunica pallium*. Some think, that this fringe constituted the only distinction betwixt the *stola* and *toga*. It is certain, however, that the outer robe of a woman was called *PALLA*, *Virg. Æn. i. 648. xi. 576.* (*quod palam et foris gerebatur*, *Varr. de Lat. ling. iv. 30.*).

Courtezans, and women condemned for adultery, were not permitted to wear the *stola*; hence called *TOGATÆ*, *Horat. Sat. i. 2. 82.*; *Juven. ii. 70.*; *Martial. ii. 39. vi. 64. x. 52.*; *Cic. Phil. ii. 18.*; and the modesty of matrons is called *Stolatus pudor*, *Mart. i. 36. 8.*

There was a fine robe of a circular form worn by women, called *CYCLAS*, *-adis*, *Juvenal. vi. 258.*; *Suet. Cal. 52.*

None but Roman citizens were permitted to wear the *toga*; and banished persons were prohibited the use of it, *Plin. Epist. iv. 11.* Hence *toga* is put for the dignity of a Roman, *Horat. Od. iii. 5. 10.*

The colour of the *toga* was white, and on festivals they usually had one newly cleaned; hence they were said *Festos ALBATI celebrare*, *Horat. Sat. ii. 2. 61.*

Candidates for offices wore a *toga* whitened by the fuller, *TOGA CANDIDA*. See p. 87.

The *toga* in mourning was of a black or dark colour, *TOGA PULLA* vel *atra*; hence those in mourning were called *PULLATI*, *Suet. Aug. 44.*; *Juvenal. iii. 213.* or *ATRATI*, *Cic. Vat. 12.* But those were also called *Pullati*, who wore a great-coat (*lacerna*) instead of the *toga*, *Suet. Aug. 40.* or a mean ragged dress, *Plin. Epist.*

Epist. vii. 17. as the vulgar or poor people, (*pullatus circulus, vel turba pullatâ*), *Quintil.* ii. 12. vi. 4.

The mourning robe of women was called *RICINIUM, vel -NUS, vel RICA*, (*quod post tergum rejiceretur*), which covered the head and shoulders, *Cic. legg.* ii. 23. or *MAVORTES, -IS, vel -TA, Serv. in Virg. Æn.* i. 286.; *Isid.* xix. 25. They seem to have had several of these above one another, that they might throw them into the funeral piles of their husbands and friends. The Twelve Tables restricted the number to three, *Cic. ibid.*

The Romans seldom or never appeared at a feast in mourning, *Cic. Vat.* 12.; nor at the public spectacles, *Mart.* iv. 2.; nor at festivals and sacrifices, *Ovid. Fast.* i. 79.; *Horat.* ii. 2. 60.; *Perf.* ii. 40.

At entertainments the more wealthy Romans laid aside the *toga*, and put on a particular robe called *SYNTHESIS, Martial.* v. 80. ii. 46. iv. 66. which they wore all the time of the *Saturnalia*, because then they were continually feasting, *Martial.* xiv. 1. 141.; *Senec. Epist.* 18. Nero wore it (*synthesina, sc. vestis*) in common, *Suet.* 51.

Magistrates and certain priests wore a *toga* bordered with purple, (*limbo purpureo circumdata*), hence called *TOGA PRÆTEXTA*; as the superior magistrates, *Cic. red. in Sen.* 5.; *Liv.* xxxiv. 7.; *Juvenal.* x. 99. the *Pontifices*, the *Augurs*, *Cic. Sext.* 69. the *DECENVIRI sacris faciundis*, *Liv.* xxvii. 39. &c. and even private persons when they exhibited games, *Cic. Pis.* 4.

Generals when they triumphed wore an embroidered *toga*, called *PICTA vel PALMATA, Martial.* vii. 2. 7.

Young men, till they were seventeen years of age, and young women, till they were married, also wore a gown bordered with purple, *TOGA PRÆTEXTA, Liv.* xxxiv. 7.; *Cic. Verr.* i. 44.; *Cat.* ii. 2.; *Propert.* iv. 12. 33.; whence they were called *PRÆTEXTATI, Liv.* xxii. 57.; *Cic. Muræn.* 5.; *Suet. Aug.* 44. 94. Hence *amicitiâ prætectata*, i. e. *a teneris annis*, formed in youth, *Martial.* x. 20. But *verba prætectata* is put for *obscœna*, *Suet. Vesp.* 22. (*quod nubentibus, depositis prætectis,*

prætextis, a multitude puerorum obscena clamarentur, FESTUS), Gell. ix. 10.; Macrob. Sat. ii. 1. and mores *prætextati*, for *impudici vel corrupti*, Juvenal. ii. 170.

Under the emperors the *toga* was in a great measure disused, unless by clients when they waited (*officium faciebant*) on their patrons, Suet. Aug. 60.; Martial. i. 109. ii. 57. x. 74. 3.; Scholiast. in Juvenal. x. 45. and orators; hence called *Togati*, enrobed, Senec. de Constant. 9.; Tacit. Annal. xi. 7.

Boys likewise wore an hollow golden ball or boss, (AUREA BULLA), which hung from the neck on the breast; as some think in the shape of a heart, to prompt them to wisdom; according to others, round, with the figure of a heart engraved on it, Cic. Verr. i. 58.; et Ascon. in loc.; Liv. xxvi. 36.; Plaut. Rud. iv. 4. 127.; Macrob. Sat. i. 6. The sons of freed-men and poorer citizens used only a leathern boss, (*bullæ scortea, vel signum de paupere loro*), Juvenal. v. 165.; Plin. xxxiii. 1. Bosses were also used as an ornament for belts or girdles, Virg. Æn. xii. 942.

Young men usually when they had completed the seventeenth year of their age, laid aside (*ponebant vel deponebant*) the *toga prætexta*, and put on (*sumebant vel induebant*) the manly gown, (TOGA VIRILIS), called *Toga PURA*, Cic. Att. v. 20. ix. 19. because it was purely white; and LIBERA, Ovid. Trist. iv. 10. 28. because they were then freed from the restraint of masters, and allowed greater liberty, Pers. v. 30.

The ceremony of changing the *toga*, was performed (*toga mutabatur*, Hor. Od. i. 36. 9.) with great solemnity before the images of the *Lares*, Propert. iv. 1. 132. to whom the *bullæ* was consecrated, (*laribus donata pendit*, Pers. *ibid.*; sometimes in the Capitol, Val. Max. v. 4. 4. or they immediately went thither, or to some temple to pay their devotions to the gods, Suet. Claud. 2.

The usual time of the year for assuming the *toga virilis* was at the feasts of Bacchus in March, (*Liberalibus*, xii. Kal. Apr. Cic. Att. vi. 1.), Ovid. Fast. iii. 771.

Then

Then the young man was conducted by his father or principal relation to the *Forum*, accompanied by his friends, *Cic. Att.* ix. 22.; *Aug.* 26.; *Suet. Ner.* 7.; *Tib.* 54. (whose attendance was called *OFFICIUM SOLENNE TOGÆ VIRILIS*, *Suet. Claud.* 2.; *Plin. Epist.* i. 9.) and there recommended to some eminent orator whom he should study to imitate, *Cic. Am.* 1.; *Tacit. Orat.* 34.; whence he was said *Forum attingere vel in forum venire*, when he began to attend to public business, (*forensia stipendia auspicabatur*), *Senec. Controv.* v. 6.; *Cic. Fam.* v. 8. xiii. 10. xv. 16. This was called *Dies togæ virilis*, *Suet. Aug.* 66.; *Cal.* 15.; *Claud.* 2. or *Dies tirocinii*, *Suet. Tib.* 54. and the conducting of one to the *Forum*, *TYROCINIUM*, *Id. Aug.* 26.; *Cal.* 10. the young men were called *TIRONES*, young or raw soldiers, because then they first began to serve in the army, *Cic. Phil.* ii. 15.; *Fam.* vii. 3.; *Suet. Ner.* 7.; *Liv.* xl. 35. Hence *TIRO* is put for a learner or novice, *Cic. Orat.* i. 50. *Ponere tirocinium*, to lay aside the character of a learner, and give a proof of one's parts, to be past his noviciate, *Liv.* xlv. 37.

When all the formalities of this day were finished, the friends and dependants of the family were invited to a feast, and small presents distributed among them, called *SPORTULÆ*, *Plin. Ep.* x. 117. 118. The emperors on that occasion used to give a largess to the people, (*CONGIARIUM*, so called from *congius*, a measure of liquids), *Suet. Tib.* 54.; *Tacit. Annal.* iii. 29.

Servius appointed, that those who assumed the *toga virilis* should send a certain coin to the temple of youth, *Dionys.* iv.

Parents and guardians permitted young men to assume (*dabant*) the *toga virilis* sooner or later than the age of seventeen, as they judged proper, *Cic. Att.* vi. 1.; *Suet. Aug.* 8.; *Cal.* 10.; *Claud.* 43.; *Ner.* 7.; under the emperors, when they had completed the fourteenth year; *Tacit. Ann.* xii. 41. xiii. 15. Before this they were considered as part of the family, (*pars domûs*), afterwards of the state, (*reipublicæ*), *Tacit. de Mor. Germ.* 13.

Young men of rank, after putting on the *toga virilis*, commonly lived in a separate house from their parents, *Suet. Tib.* 15.; *Domit.* 2. It was, however, customary for them, as a mark of modesty, during the first whole year, to keep (*cohibere*) their right arm within the *toga*, *Cic. Cœl.* 5.; and in their exercises in the *Campus Martius* never to expose themselves quite naked, as men come to maturity sometimes did, *Ibid.*

The ancient Romans had no other clothing but the *toga*, *Gell.* vii. 12. In imitation of whom, Cato used often to go dressed in this manner, and sometimes even to sit on the *tribunal* when prætor, (*campestri sub toga cinctus*), *Ascon. in Cic.*; *Val. Max.* iii. 6. 7. Hence *Exigua toga Catonis*, *Hor. Ep.* i. 19. 13. *hirta*, *Lucan.* because it was strait (*arcta*) and coarse, (*crassa vel pinguis*), *Horat. Sat.* i. 3. 15.; *Juvenal.* ix. 28.; *Martial.* iv. 19. Nor did candidates for offices wear any thing but the *toga*. See p. 88.

The Romans afterwards wore below the *toga* a white woollen vest called TUNICA, which came down a little below the knees before, and to the middle of the legs behind, *Quintil.* xi. 3. at first without sleeves. Tunics with sleeves, (*Chirodotæ vel tunicæ manicatæ*), or reaching to the ancles, (*talares*), were reckoned effeminate, *Cic. Cat.* ii. 10.; *Virg. Æn.* ix. 616.; *Gell.* vii. 12. But under the emperors these came to be used with fringes at the hands, (*ad manus fimbriatæ*), from the example of Cæsar, *Suet. Jul.* 45. longer or shorter according to fancy, *Horat. Sat.* i. 2. 25.; *Prop.* iv. 2. 28. Those who wore them were said to be MANULE-ATI, *Suet. Cal.* 52.

The tunic was fastened by a girdle or belt (*CINGULUM*, *cinctus*, *-ûs*, *ZONA*, vel *Balteus*) about the waist to keep it tight; which also served as a purse (*pro marsupio vel crumena*) in which they kept their money, *Gell.* xv. 12.; *Plaut. Merc.* v. 2. 84.; *Suet. Vit.* 16.; *Horat. Ep.* ii. 2. 40.

It was also thought effeminate to appear abroad with the tunic slackly or carelessly girded: Hence the saying of Sylla

Sylla concerning Cæsar to the *Optimates*, who interceded for his life, UT MALE PRÆCINCTUM PUERUM CAVERENT, *Suet. Jul.* 45. For this also Mæcenas was blamed, *Senec. Ep.* 14. Hence *cinctus*, *præcinctus* and *succinctus*, are put for *industrius*, *expeditus* vel *gnavus*, diligent, active, clever, *Horat. Sat.* i. 5. 6. ii. 6. 107. because they used to gird the tunic when at work, *Id. Sat.* ii. 8. 10.; *Ovid. Met.* vi. 59. and *discinctus* for *iners*, *mollis*, *ignavus*; thus, *Discinctus nepos*, a dissolute spendthrift, *Hor. Epod.* i. 34. So *Pers.* iii. 31. *Discincti Afri*, *Virg. Æn.* viii. 724. effeminate, or simply *ungirt*; for the Africans did not use a girdle, *Sil.* iii. 236.; *Plaut. Pæn.* v. 2. 48.

The Romans do not seem to have used the girdle at home or in private; hence *discincti ludere*, i. e. *domi*, with their tunics ungirt, *Horat. Sat.* ii. 1. 73.; for they never wore the *toga* at home, but an undress, (*vestis domestica*, vel *vestimenta*), *Suet. Aug.* 73.; *Vit.* 8.; *Cic. de Fin.* ii. 24.: Hence the *toga* and other things which they wore only abroad were called FORENSIA, *Suet. Aug.* 73.; *Cal.* 17. or VESTITUS FORENSIS, *Cic. ibid.* and VESTIMENTA FORENSIA, *Colum.* xii. 45.

The tunic was worn by women as well as men; but that of the former always came down to their feet, and covered their arms, *Juvenal.* vi. 445. They also used girdles both before and after marriage, *Festus*, in CIN- GULUM; *Martial.* xiv. 151.

The Romans do not seem to have used a belt above the *toga*. But this point is strongly contested.

Young men when they assumed the *toga virilis*, and women when they were married, received from their parents a tunic wrought in a particular manner, called TUNICA RECTA, or REGILLA, *Festus.*; *Plin.* viii. 48.

The senators had a broad stripe of purple (or rather two stripes, *fasciæ* vel *plagule*, *Varr. de Lat. ling.* viii.) sewed on the breast of their tunic, *Horat. Sat.* i. 6. 28. called LATUS CLAVUS, *Ovid. Trist.* iv. 10. 29. & 35. which is sometimes put for the tunic itself, *Suet.*

Jul. 45. or the dignity of a senator, *Id. Tib.* 35.; *Claud.* 24.; *Vesp.* 2. 4. The *Equites* a narrow stripe, *ANGUSTUS CLAVUS*. See p. 6. & 25.

Augustus granted to the sons of senators the right of wearing the *latus clavus*, after they assumed the *toga virilis*, and made them tribunes and prefects in the army; hence called *TRIBUNI ET PRÆFECTI LATICLAVII*, *Suet. Aug.* 38.; *Ner.* 26.; *Domit.* 10. The tribunes chosen from the *Equites* were called *ANGUSTICLAVII*, *Suet. Oth.* 10.; *Galb.* 10.

Generals in a triumph wore with the *toga picta* an embroidered tunic, (*TUNICA PALMATA*), *Liv.* x. 7.; *Martial.* vii. 1. called also *Tunica Jovis*, because the image of that god in the Capitol was clothed with it, *Juvenal.* x. 38. Tunics of this kind used to be sent by the senate to foreign kings as a present, *Liv.* xxvii. 4. xxx. 15. xxxi. 11.

The poor people who could not purchase a *toga*, wore nothing but a tunic; hence called *TUNICATUS POPELUS*, *Horat. Ep.* i. 7. 65. or *TUNICATI*, *Cic. in Rull.* ii. 34. Foreigners at Rome seem also to have used the same dress; hence *homo tunicatus*, for a Carthaginian, *Plaut. Pœn.* v. 3. 2. and slaves, *Id. Amphit.* i. 1. 213.; *Senec. brev. vit.* 12. likewise gladiators, *Juvenal.* ii. 143.

In the country, persons of fortune and rank used only the tunic, *Juvenal.* iii. 179. In winter they wore more than one tunic. Augustus used four, *Suet. Aug.* 82.

Under the tunic, the Romans wore another woollen covering next the skin like our shirt, called *INDUSIUM* or *SUBUCULA*, *Horat. Ep.* i. 1. 95.; *Suet. ibid.* and by later writers *Interûla* and *Camissa*. Linen cloaths (*vestes lineæ*, *Plin.* xii. 6.) were not used by the ancient Romans, and are seldom mentioned by the classics. The use of linen was introduced under the emperors from Egypt, *Plin. Præf.*; whence *Sindon* vel *vestes Byssina*, fine linen. Girls wore a linen vest or shift, called *SUP-*

PARUM vel -us, Plaut. Rud. i. 2. 91.; Lucan. ii. 363.; Festus.

The Romans in later ages wore above the *toga* a kind of great-coat, called LACERNA, *Juvenal.* ix. 29. open before and fastened with clasps or buckles, (FIBULÆ, which were much used to fasten all the different parts of dress, *Virg. Æn.* iv. 139.; *Ovid. Met.* viii. 318. except the *toga*), especially at the spectacles, *Martial.* xiv. 137. to screen them from the weather, with a covering for the head and shoulders, (*capitium*, quod *capit* pectus, *Varr.*), called CUCULLUS, *Juvenal.* vi. 118. 329.; *Martial.* xi. 99. They used to lay aside the *lacerna* when the emperor entered, *Suet. Claud.* 6. It was at first used only in the army, *Paterc.* ii. 80.; *Ovid. Fast.* ii. 745.; *Prop.* iii. 10. 7. but afterwards also in the city.

During the civil wars, when the *toga* began to be disused, the *lacerna* came to be worn in place of it, to such a degree, that Augustus one day seeing from his tribunal a number of citizens in the assembly dressed in the *lacerna*, (*pullati* vel *lacernati*), which was commonly of a dark colour, *Martial.* xiv. 129. repeated with indignation from Virgil, "*Romanos rerum dominos gentemque togatam*;" and gave orders to the ædiles not to allow any one to appear in the *forum* or *circus* in that dress, *Suet. Aug.* 40. It was only used by the men, *Scholiast. in Juvenal.* i. 62. and at first was thought unbecoming in the city, *Cic. Phil.* ii. 30. It was sometimes of various colours and texture, *Juvenal.* i. 27. ix. 28.; *Martial.* ii. 29.

Similar to the *lacerna* was the LÆNA, (χλαίμη), a Grecian robe or mantle thrown over the *pallium*, *Serv. ad Virg. Æn.* iv. 262.; *Festus.*; *Martial.* xii. 36. xiv. 13.

The Romans had another kind of great coat or surtout, resembling the *lacerna*, but shorter and straiter, called PENULA, which was worn above the tunic, *Suet. Ner.* 48. having likewise a hood, (*caput* vel *capitium*), *Plin.* xxiv. 15. used chiefly on journies and in the army, *Cic. Att.* xiii. 33.; *Mil.* 10.; *Sext.* 38.; *Juvenal.* v. 78. also in the city, *Suet. Cal.* 52.; *Lamprid.*

Alex. Sev. 27.; sometimes covered with a rough pile or hair for the sake of warmth, called GAUSAPA, *sing. et plur. vel -e*; *Petron.* 28.; *Ovid. Art. Am.* ii. 300.; *Perf.* vi. 46.; or *Gausapina pænula*, *Martial.* vi. 59. xiv. 145. 147. of various colours, and common to men and women, *Ibid.*; sometimes made of skins, SCORTEA, *Festus.*; *Martial.* xiv. 130.

The military robe of the Romans was called SAGUM, an open woollen garment, which was drawn over the other clothes and fastened before with clasps, *Suet. Aug.* 26.; *Sil.* xvii. 531.; in dangerous conjunctures worn also in the city, by all except those of consular dignity, *Cic. Phil.* viii. 11. as in the Italic war for two years, *Liv. Epit.* 72. & 73.; *Paterc.* ii. 16. *Disento sago impositum in sublime jactare*, to toss in a blanket, *Suet. Oth.* 2.; *Martial.* i. 4. 7.

The Romans wore neither stockings nor breeches, but used sometimes to wrap their legs and thighs with pieces of cloth, (FASCIÆ, vel -iœ, fillets, bands, or rollers), named from the parts which they covered, TIBIALIA and FEMINALIA, or *Femoralia*, i. e. *tegumenta tibiarum et femorum*, *Suet. Aug.* 82. similar to what are mentioned, *Exod.* xxviii. 42.; *Levit.* vi. 10. xvi. 4.; *Ezek.* xlv. 18. first used, probably, by persons in bad health, *Cic. Brut.* 60.; *Horat. Sat.* ii. 3. 255; *Quintil.* xi. 3.; afterwards by the delicate and effeminate, *Cic. Att.* ii. 3.; *Har. resp.* 21.; *Suet. Aug.* 82. who likewise had mufflers to keep the throat and neck warm, called FOCALIA vel *Focale*, *sing. (a faucibus)*, *Horat. et Quint.* *ibid.*; *Martial.* iv. 41. vi. 41. xiv. 142. used chiefly by orators, *Ibid. et Gell.* xi. 9. Some used a handkerchief (SUDARIUM) for that purpose, *Suet. Ner.* 51.

Women used ornaments round their legs, (*ornamenta circa crura*), called PERISCELIDES, *Horat. Ep.* i. 17. 56.

The Romans had various coverings for the feet, (*calceamenta vel tegumenta pedum*, *Cic. Tusc.* v. 32.), but chiefly of two kinds. The one (CALCEUS, *ὑπόδημα*,

a shoe), covered the whole foot, somewhat like our shoes, and was tied above with a latchet or lace, a point or string, (CORRIGIA, LORUM vel LIGULA), *Cic. de Divin.* ii. 40.; *Martial.* ii. 29. 57. The other (SOLEA, *σανδαλιον*, a slipper or sandal, *quod solo pedis subjiciatur*, FESTUS), covered only the sole of the foot, and was fastened on by leathern thongs or strings, (*teretibus habenis vel obstrigillis vincla*), *Gell.* xiii. 21.; hence called VINCULA, *Ovid. Fast.* ii. 324. Of the latter kind there were various sorts; CREPIDÆ, vel -DULÆ, *Ibid.*; *Cic. Rabir. Post.* 27.; *Horat. Sat.* i. 3. 127. GALLICÆ, *Cic. Phil.* ii. 30. &c.

The Greeks wore a kind of shoes called ΠΗΛΑΣΙΑ, *Senec. de benef.* vii. 21.

The *calcei* were always worn with the *toga* when a person went abroad, *Cic. ibid.*; *Plin. Epist.* vii. 3.; *Suet. Aug.* 73.; whence he put them off, (*calceos et vestimenta mutavit*), and put on (*induebat vel inducebat*) slippers when he went on a journey, *Cic. Mil.* 10.

Slippers (*soleæ*) were used at feasts, *Plaut. Truc.* ii. 4. 13.; *Horat. Sat.* ii. 8. 77.; *Ep.* i. 13. 15. but they put them off when about to eat, *Martial.* iii. 50. It was esteemed effeminate for a man to appear in public in slippers, (*soleatus*), *Cic. Har. Resp.* 21.; *Verr.* v. 33.; *Pis.* 6.; *Liv.* xxix. 19.; *Suet. Cal.* 32. Slippers were worn by women in public, *Plaut. Truc.* ii. 8.

The shoes of senators came up to the middle of their legs, *Horat. Sat.* i. 6. 27. and had a golden or silver crescent (*luna vel lunula*, i. e. *litera C*) on the top of the foot, *Juvenal.* vii. 192.; hence called *Lunata pellis* vel *lingula*, *Martial.* i. 50. ii. 29. But this seems to have been peculiar to Patrician senators, *Scholiast. in Juvenal.*

The shoes of women were generally white, *Ovid. Art. Am.* iii. 271.; sometimes red, scarlet, or purple, (*rubri, mullei, et purpurei*), *Perf.* v. 169.; *Virg. Ecl.* vii. 32.; *Æn.* i. 341. yellow, (*lutei vel cerei*), *Catull.* lix. 9. &c. adorned with embroidery and pearls, *Plin.*

Mens

Mens shoes were generally black; some wore them scarlet or red, *Martial*. ii. 29. 8. and, especially under the emperors, adorned with gold, and silver, and precious stones, *Plaut. Bacc.* ii. 3. 97.; *Senec.* ii. 12.; *Plin.* xxxvii. 2. They were sometimes turned up in the point in the form of the letter s, called *Calcei repandi*, *Cic. de Nat. D.* i. 30.

The senators are said to have used four latches to tie their shoes, and plebeians only one, *Isid.* xix. 34.; *Senec. de Tranquill. Ann.* 2.

The people of ancient Latium wore shoes of unwrought leather, (*ex corio crudo*), called PERONES, *Virg. Æn.* vii. 90. as did also the *Marfi*, *Hernici*, and *Veslini*, who were likewise clothed in skins, *Juvenal.* xiv. 195. &c. It was long before they learned the use of tanned leather, (*ALUTÆ*; *ex alumine*, (of alum), *quæ pelles subigebantur, ut molliores fierent*), which was made of various colours, *Martial.* ii. 29. vii. 34.

The poor people sometimes wore wooden shoes, (*solææ lignæ*), which used to be put on persons condemned for parricide, *Auct. ad Herenn.* i. 13.; *de Invent.* ii. 50.

The shoes of the soldiers were called CALIGÆ, sometimes shod with nails, (*clavis suffixæ*), See p. 344.; of the comedians, SOCCI, slippers, often put for *solææ*; of the tragedians, COTHURNI. See p. 330.

The Romans sometimes used socks or coverings for the feet, made of wool or goats hair, called UDONES, *Martial.* xiv. 140.

The Romans also had iron shoes (*SOLEÆ FERÆ*) for mules and horses, not fixed to the hoofs with nails, as among us, but fitted to the foot, so that they might be occasionally put on and off, *Catull.* xviii. 26.; *Suet. Ner.* 30.; *Vesp.* 23.; *Plin.* xxxv. 11. s. 49.

The ancient Romans went with their head bare, (*capite aperto*), as we see from ancient coins and statues, except at sacred rites, games, festivals, on journey, and in war. Hence, of all the honours decreed to Cæsar by the senate, he is said to have been chiefly pleased with that of always wearing a laurel crown, because it covered

ed his baldness, *Suet. Jul.* 45. which was reckoned a deformity among the Romans, *Ovid. Art. Am.* iii. 250.; *Tacit. Annal.* iv. 57.; *Suet. Domit.* 18.; *Juvenal.* iv. 38. as among the Jews, *II. Kings*, ii. 23.

They used, however, in the city, as a screen from the heat or wind, to throw over their head the lappet of their gown, (*laciniam vel sinum togæ in caput rejicere*), which they took off when they met any one to whom they were bound to shew respect, as the consuls, &c. *Plutarch. in Pomp. et quest. Rom.* 10. See p. 115.

The Romans veiled their heads at all sacred rites but those of Saturn, *Serv. in Virg. Æn.* iii. 405.

At games and festivals the Romans wore a woollen cap or bonnet, (PILEUS, vel -um), *Horat.* i. 13. 15.; *Martial.* xi. 7. xiv. 1.; *Suet. Ner.* 57.; *Senec. Epist.* 18. which was also worn by slaves, hence called PILEATI, when made free, *Liv.* xxiv. 16.; *Plaut. Amp.* i. 1306. or fold, *Gell.* vii. 8. (See p. 40.); whence pileus is put for liberty, *Suet. Tib.* 4.; *Martial.* ii. 48. 4. likewise by the old and sickly, *Ovid. Art. Am.* i. 733.

The Romans on journey used a round cap like a helmet, (GALERUS vel -um), *Virg. Æn.* vii. 688. or a broad brimmed hat, (PETASUS), *Suet. Aug.* 82. Hence petasatus, prepared for a journey, *Cic. Fam.* xv. 17.

The women used to dress their hair in the form of a helmet or galērus, mixing false hair (*crines ficti vel suppositi*) with it, *Scholias. in Juvenal.* vi. 120.

So likewise warriors, *Sil.* i. 404. who sometimes also used a cap of unwrought leather, (CUDO vel -on), *Sil.* viii. 494. xvi. 59.

The head-dress of women, as well as their other attire, was different at different periods. At first it was very simple. They seldom went abroad, and when they did, they almost always had their faces veiled. But when riches and luxury increased, dress became with many the chief object of attention; hence a woman's toilet and ornaments were called MUNDUS MULIEBRIS, her world, *Liv.* xxxiv. 7.

They

They anointed their hair with the richest perfumes, *Ovid. Met. v. 53.*; *Tibull. iii. 4. 28.* and sometimes painted it, *Tib. i. 9. 43.*; *Ovid. Art. Am. iii. 163.* (*comam rutilabant vel incendebant*, made it appear a bright yellow, with a certain composition or wash, a *lixivium* or lye; *lixivo* vel *-va*, *cinere* vel *cinere lixivii*, *Val. Max. ii. 1. 5.*; *Plin. xiv. 20.*; *spumâ Batavâ* vel *causticâ*, i. e. *sapone*, with soap, *Martial. viii. 33. 20. xiv. 26.*; *Suet. Cal. 47.*; *Plin. xxviii. 12.*); but never used powder, which is a very late invention, first introduced in France about the year 1593.

The Roman women frizzled or curled their hair with hot irons, (*calido ferro* vel *calamistris vibrabant, crispabant, vel intorquebant*), *Virg. Æn. xii. 100.*; *Cic. Brut. 75.*; hence *coma calamistrata*, frizzled hair, *Cic. Sext. 8.*; *Homo calamistratus*, by way of contempt, *Cic. post red. in Sen. 6.*; *Plaut. Asin. iii. 3. 37.* and sometimes raised it to a great height by rows and stories of curls, *Juvenal. vi. 501.* Hence *ALTUM CALIENDRUM*, i. e. *capillitium adulterinum* vel *capillamentum*, *Suet. Cal. 11. in galeri* vel *galeæ modum suggestum*, *Tertull. de Cult. Fem. 7.*) the lofty pile of false hair, *Horat. Sat. i. 8. 48.*; *suggestus*, vel *-um comæ*, as a building, *Stat. Sylv. i. 2. 114.*: *Coma in gradus formata*, into stories, *Suet. Ner. 51.*; *Quintil. xii.*: *Flexus cincinnorum* vel *annulorum*, the turning of the locks or curls; *finbria* vel *cirri*, the extremities or ends of the curls, *Cic. Pis. 11.*; *Juvenal. xiii. 165.*

The slaves who assisted in frizzling and adjusting the hair, (*in crine componendo*), were called *CINIFLONES* or *CINERARII*, *Horat. Sat. i. 2. 98.* who were in danger of punishment if a single lock was improperly placed, (*si unus de toto peccaverat orbe comarum annulus, incertâ non bene fixus acu*); the whip (*TAUREA*, i. e. *flagrum* vel *scutica de pene taurino*) was presently applied, *Juvenal. vi. 491.* or the mirror (*SPECULUM*), made of polished brass or steel, was aimed at the head of the offender, *Martial. ii. 66.* A number of females attended, who did nothing but give directions, *Juvenal. ibid.*

The

The hair was adorned with gold, and pearls, and precious stones, *Ovid. Her. xv. 75. xxi. 89. ; Manil. v. 518. ;* sometimes with crowns or garlands and chaplets of flowers, (*coronæ et ferta*), *Plaut. Afin. iv. 1. 58. bound with fillets or ribbons of various colours, (crinales vittæ vel fasciæ), Ovid. Met. i. 477. iv. 6.*

The head-dress and ribbons of matrons were different from those of virgins, *Propert. iv. 12. 34. ; Virg. Æn. ii. 168.*

Ribbands seem to have been peculiar to modest women; hence *Vittæ tenues, insigne pudoris*, *Ovid. Art. Am. i. 31. ; Nil mihi cum vitta, i. e. cum muliere pudica et casta, Id. Rem. Am. 386.*

Immodest women used to cover their heads with mitres, (*MITRÆ vel mitellæ*), *Juvenal. iii. 66. ; Serv. in Virg. Æn. iv. 216. ; Cic. de resp. Harusp. 21.*

Mitres were likewise worn by men, although esteemed effeminate, *Cic. Rabir. Post. 10. ;* and what was still more so, coverings for the cheeks, tied with bands (*redimicula vel ligamina*) under the chin, *Virg. ibid. et ix. 616. ; Propert. ii. 29.*

An embroidered net or caul (*reticulum auratum*) was used for inclosing the hair behind, *Juvenal. ii. 96. called Vesica from its thinness, Martial. viii. 33. 19.*

Women used various cosmeticks, (*medicamina*), and washes or wash-balls (*smegmata*) to improve their colour, *Ovid. Med. Tac. 51. &c.* They covered their face with a thick paste (*multo pane vel tectorio*) which they wore at home, *Juvenal. vi. 460. &c.*

Poppæa, the wife of *Nero*, invented a sort of pomatum or ointment to preserve her beauty, called from her name *POPPÆANUM*, made of asses milk, *Ibid. et Plin. xi. 41. in which she used also to bathe. Five hundred asses are said to have been daily milked for this purpose; and when she was banished from Rome, fifty asses attended her, Ibid. et Dio. 62. Some men imitated the women in daubing their faces; thus Otho, (faciem pane madido linere quotidie consuevit), Suet. Oth. 12. ; Juvenal. ii. 107.*

Paint

Paint (FUCUS) was used by the Roman women as early as the days of Plantus; ceruse or white lead (*cerussa*), or chalk, (*creta*), to whiten the skin, and vermillion (*minium*, *purpurissum* vel *rubrica*) to make it red, *Plaut. Most.* i. 3. 101. & 118.; *Truc.* ii. 11. 35.; *Ovid. Art. Am.* iii. 199.; *Horat. Epod.* 12. 10.; *Martial.* ii. 41. viii. 33. 17.: Hence *fucate*, *cerussate*, *cretate* et *minionate*, painted, *Ibid.*; in which also the men imitated them, *Cic. Pis.* 11.

The women used a certain plaster which took off the small hairs from their cheeks; or they pulled them out by the root (*radicicitus vellebant*) with instruments called VOLSELLÆ, tweezers, *Martial.* ix. 28. which the men likewise did, *Id.* viii. 47.; *Suet. Cæs.* 45.; *Galb.* 22.; *Oth.* 12.; *Quintil.* i. 6. v. 9.; *Proam.* viii. The eyes and eye-brows they daubed with a black powder or soot, (*fuligine collinebant*), *Tertull. de cult. fem.* 5.; *Juvenal.* ii. 93.

When they wanted to conceal any deformity on the face, they used a patch, (SPLENIUM vel *emplastrum*), *Martial.* ii. 29. 8. sometimes like a crescent, (*lunatum*), *Id.* viii. 33. 22.; also for mere ornament, *Plin. Ep.* vi. 2.: Hence *spleniatus*, patched, *Martial.* x. 22.

The Romans took great care of their teeth by washing and rubbing them, *Plin. Epist.* viii. 18.; *Plin.* xxxi. 10.; *Martial.* xiv. 22. 56. When they lost them, they procured artificial teeth of ivory, *Horat. Sat.* i. 8. 48.; *Martial.* i. 20. 73. ii. 41. v. 44. xii. 23. If loose, they bound them with gold, *Cic. legg.* ii. 2. It is said Æsculapius first invented the pulling of teeth, (*dentis evulsionem*), *Cic. Nat. D.* iii. 57.

The Roman ladies used ear-rings (INAURES) of pearls, (*margaritæ*, *baccæ* vel *uniones*), *Horat. Epod.* viii. 14.; *Sat.* ii. 3. 241.; *Plin.* ix. 35.; *Senec. de benef.* vii. 9. sometimes of immense value, *Suet. Jul.* 50. and of precious stones, *Ovid. Art. Am.* i. 432.; also necklaces or ornaments for the neck, (MONILIA), made of gold and set with gems, *Virg. Æn.* i. 658.; *Ovid. Met.* x. 264.; *Cic. Verr.* iv. 13. which the men also used,

Suet.

Suet. Galb. 18.; *Ovid. Met.* x. 115.; *Plin.* ix. 35. But the ornament of the men was usually a twisted chain, (*torquis vel -es*), *Virg. Æn.* vii. 351. or a circular plate of gold, (*circulus auri vel aureus*), *Virg. Æn.* v. 559. also a chain composed of rings, (*catena, catella vel catenula*), used both by men and women, *Liv.* xxxix. 31.; *Horat. Ep.* i. 17. 55. Ornaments for the arms were called ARMILLÆ.

There was a female ornament called SEGMENTUM, worn only by matrons, *Val. Max.* v. 2. 1. which some suppose to have been a kind of necklace, *Serv. in Virg. Æn.* i. 658.; *Isid.* xix. 31. but others more properly, an embroidered ribbon, (*fascia, tania, vel vitta intexta auro*), or a purple fringe, (*purpurea simbria vel inflita*), sewed to the cloaths, *Scholias. in Juv.* ii. 124. vi. 89.; *Ovid. Art. Am.* iii. 169.: Hence *Vestis segmentata*, an embroidered robe, or having a purple fringe, (*a crebris sectionibus*), *Plaut.*

The Roman women used a broad ribbon round their breast, called STROPHIUM, which served instead of a boddice or stays, *Catull.* lxiv. 65. They had a clasp, buckle, or bracelet on the left shoulder, called SPINTHER or *Spinter*, *Festus*.; *Plaut. Men.* iii. 3. 4.

The ordinary colour of cloaths under the republic was white; but afterwards the women used a great variety of colours, according to the mode, or their particular taste, *Ovid. Art.* iii. 187.

Silk (*vestis serica vel bombycina*) was unknown to the Romans till towards the end of the republic. It is frequently mentioned by writers after that time, *Virg. G.* ii. 121.; *Horat. Epod.* viii. 15.; *Suet. Cal.* 52.; *Martial.* iii. 82. viii. 33. 68. ix. 38. xi. 9. 28. 50.; *Juvenal.* vi. 259. The use of it was forbidden to men, *Tacit. Annal.* ii. 33.; *Vopisc. Tacit.* 10.

Heliogabalus is said to have been the first who wore a robe of pure silk, (*vestis holoserica*), before that time it used to be mixed with some other stuff, (*subsericum*), *Lamprid. in Elagab.* 26. 29. The Emperor Aurelian, who lived after him, is said to have refused his wife a

M m

garment

garment of that kind on account of its exorbitant price, *Vopisc. in Aurel.* 45.

Some writers distinguish betwixt *vestis bombycina* and *serica*. The former they make to be produced by the silk-worm, (*bombyx*), the latter from a tree in the country of the *Seres* (sing. *Ser*) in India. But most writers confound them. It seems doubtful, however, if *Sericum* was quite the same with what we now call silk, *Plin.* xi. 22. f. 25. xxiv. 12. f. 66. &c.

Silk-worms (*bombyces*) are said to have been first introduced at Constantinople by two monks in the time of Justinian; but this seems hardly consistent with the accounts of other writers who flourished long before that period.

Cloaths were distinguished, not only from their different texture and colour, but also from the places where they were manufactured; thus, *Vestis aurea, aurata, picta*, embroidered with gold; *purpurea, conchyliata*, *Cic. Phil.* ii. 27.; *ostro vel murice tincta, punicea, Tyria vel Sarrana, Sidonia, Assyria, Phenicia, Spartana, Melibœa, Getûla, Pœna vel Punica*, &c. purple; *coccinea vel cocco tincta*, scarlet, *Martial.* x. 24.; also put for purple, *Horat. Sat.* vi. 102. & 106.; *Melitenensis, e gossypio vel xylo*, cotton, *Cic. Verr.* ii. 72.; *Plin.* xix. 1. COL, i. e. *Serica vel bombycina et purpura*, fine silk and purple made in the island *Cos* or *Coos*, *Horat. Od.* iv. 13. 13.; *Sat.* i. 2. 101.; *Tib.* ii. 4. 29.; *Juvenal.* viii. 101. *Phrygiâna*, vel -iôna, i. e. *acu contexta et aureis filis decora*, needle-work or embroidery, *Plin.* viii. 48. Others read here *Phryxiana*, and make it a coarse shaggy cloth, *freeze*, opposed to *rasa*, smoothed, without hairs: *Virgâta*, striped, *Virg. Æn.* viii. 660. *Scutulata*, spotted or figured, *Juvenal.* ii. 97. like a cobweb, (*aranearum tela*), which Pliny calls *rete scutulatum*, xi. 24. *Galbâna vel -îna*, green or grass-coloured, *Juvenal. ibid.* (*color herbarum*), *Martial.* v. 24. worn chiefly by women; hence *Galbanatus*, a man so dressed, *Id.* iii. 82. 5. and *Galbani mores*, effeminate, i. 97. *Amethysina*, of a violet or wine-colour, *Ibid.* & ii. 57. xiv.

154.; *Juvenal.* vii. 136. prohibited by Nero, *Suet.* 32.; as the use of the *vestis conchiliata*, a particular kind of purple, was by Cæsar, except to certain persons and ages, and on certain days, *Suet. Jul.* 43. *Crocota*, a garment of a saffron colour, (*crocei coloris*), *Cic. Resp. Har.* 21. *Sindon*, fine linen from Egypt and Tyre, *Martial.* ii. 16. iv. 19. 12. xi. 1. *Vestis atra vel pulla*, black or iron gray used in mourning, &c.

In private and public mourning the Romans also laid aside their ornaments, their gold and purple, *Liv.* ix. 7. xxxiv. 7.

No ornament was more generally worn among the Romans than rings, (ANNULI). This custom seems to have been borrowed from the Sabines, *Liv.* i. 11. The senators and *equites* wore golden rings, *Liv.* xxiii. 12. xxvi. 36. also the legionary tribunes, *Appian. in Lybic.*

The plebeians wore iron rings, unless when presented with a golden one for their bravery in war, *Cic. Verr.* iii. 80. or for any other desert, *Suet. Jul.* 39.; *Cic. Fam.* x. 31.; *Macrob. Sat.* ii. 10. Under the emperors the right of wearing a golden ring was more liberally conferred, and often for frivolous reasons, *Plin.* xxxiii. 1. & 2.; *Suet. Galb.* 14.; *Vitell.* 12.; *Tacit. Hist.* iv. 3. At last it was granted by Justinian to all citizens, *Novell.* 78. Some were so finical in this respect, as to have lighter rings for summer, and heavier for winter, *Juvenal.* i. 28.; hence called *Semestres*, *Id.* vii. 89.

The ancient Romans usually wore but one ring, on the left hand, on the finger next the least; hence called *DIGITUS ANNULARIS*, *Gell.* x. 10.; *Macrob.* vii. 13. But in later times some wore several rings, *Horat. Sat.* ii. 7. 9.; some one on each finger, *Martial.* v. 62. 5. or more, *Id.* v. 11. xi. 60. which was always esteemed a mark of effeminacy.

Rings were laid aside at night, and when they bathed, *Ibid.*; *Terent. Heaut.* iv. i. 42.; also by suppliants, *Liv.* xliii. 16.; *Val. Max.* viii. 1. 3. and in mourning, *Liv.* ix. 7.; *Suet. Aug.* 101.; *Isidor.* xix. 31.

The case (*capsula*) where rings were kept, was called *DACTYLOTHECA*, *Martial.* xi. 60.

Rings were set with precious stones (*gemma*) of various kinds; as jasper, (*jaspis*), sardonyx, adamant, &c. *Martial.* ii. 50. v. 11. on which were engraved the images of some of their ancestors or friends, of a prince or great man, *Cic. Cat.* iii. 5.; *Fin.* v. 1.; *Ovid. Trist.* i. 6. 5.; *Plin. Ep.* x. 16.; *Suet. Tib.* 58.; *Senec. de ben.* iii. 26. or the representation of some signal event, *Suet. Galb.* x. or the like, *Plin.* xxxvii. 1.; *Plaut. Curc.* iii. 50.

Rings were used chiefly for sealing letters and papers, (*ad tabulas obfigandas*, *ANNULUS SIGNATORIUS*), *Macrobb. Sat.* vii. 13.; *Liv.* xxvii. 28.; *Tacit. Annal.* ii. 2.; *Martial.* ix. 89. also cellars, chests, casks, &c. *Plaut. Cæs.* ii. 1. 1.; *Cic. Fam.* xvi. 26.

When a person at the point of death delivered his ring to any one, it was esteemed a mark of particular affection, *Curt.* x. 5.; *Justin.* xii. 15.; *Val. Max.* vii. 88.

Rings were usually pulled off from the fingers of persons dying, *Suet. Tib.* 83.; *Cal.* 12.; but it seems they were sometimes put on again before the dead body was burnt, *Prop.* iv. 7. 9.

Rings were worn by women as well as men, both before and after marriage, *Horat. Od.* i. 9. 23.; *Terent. Hec.* iv. 1. 59. v. 3. 30. A ring used to be given by a man to the woman he was about to marry, as a pledge of their intended union, (*ANNULUS PRONUBUS*), *Juvenal.* vi. 27.; a plain iron one (*ferreus sine gemma*) according to Pliny, xxxi. 1.: But others make it of gold, *Tertull. Apolog.* 6.; *Isid.* xix. 32.

The ancient Romans, like other rude nations, suffered their beard to grow, *Liv.* v. 41. (hence called *barbati*, *Cic. Mur.* 12.; *Cæ.* 14.; *Fin.* iv. 23.; *Juvenal.* iv. 103.; but *barbatus* is also put for a full grown man, *Horat. Sat.* ii. 3. 249.; *Juvenal.* x. 56.; *Martial.* viii. 52.) till about the year of the city 454, one P. Ticinius Mænas or Mæna brought barbers from Sicily, and first introduced

roduced the custom of shaving at Rome, *Plin. vii. 59.* which continued to the time of Hadrian, who, to cover some excrescences on his chin, revived the custom of letting the beard grow; but that of shaving was soon after resumed.

The Romans usually wore their hair short, and dressed it (*caesariem, crines, capillos, comam vel comas, pectebant vel comebant*), with great care, especially in later ages, when attention to this part of dress was carried to the greatest excess, *Senec. de brev. vitæ, 12.* Ointments and perfumes were used even in the army, *Suet. Cæs. 67.*

When young men first began to shave, (*cum barba resecta est*, *Ovid. Trist. iv. 10. 58.*) they were said *penere barbam*, *Suet. Cal. 10.* The day on which they did this was held as a festival, and presents were sent them by their friends, *Juvenal. iii. 187.; Martial. iii. 6.*

The beard was shaven for the first time sooner or later at pleasure; sometimes when the *toga virilis* was assumed, *Suet. Cal. 10.* but usually about the age of twenty-one, *Macrob. in som. Scip. i. 6.* Augustus did not shave till twenty five, *Dio, xlviii.* Hence young men with a long down (*lanugo*) were called *Juvenes barbati*, *Cic. Att. i. 14.* or *bene barbati*, *Id. Cat. ii. 10.*

The first growth of the beard (*prima barba vel lanugo*) was consecrated to some god; thus Nero consecrated his in a golden box set with pearls to Jupiter Capitolinus, *Suet. Ner. 12.* At the same time the hair of the head was cut and consecrated also, usually to Apollo, *Martial. i. 32.* Till then they wore it uncut, either loose, *Horat. Od. ii. 5. 23. iii. 20. 13. iv. 10. 3.* or bound behind in a knot, (*renodabant, vel nodo religabant*), *Id. Epod. xi. 42.* Hence they were called *CAPILLATI*, *Petron. 27.*

Both men and women among the Greeks and Romans used to let their hair grow (*pascere, alere, nutrire, promittere vel submittere*), in honour of some divinity, not only in youth, but afterwards, *Virg. Æn. vii. 391.; Stat. Sylv. iii.; Præf. et carm. 4. 6.; Theb. ii. 253. vi.*

607.; *Censorin. de D. N.* 1.; *Plutarch. in Thef.* as the Nazarites among the Jews, *Numb.* vi. 5.

The Britons in the time of Cæsar shaved the rest of their body, except the head and upper lip, *Cæs. B. G.* v. 10.

In grief and mourning the Romans allowed their hair and beard to grow, (*promittebant vel submittebant*), *Liv.* vi. 16.; *Suet. Jul.* 67.; *Aug.* 23.; *Cal.* 24. or let it flow dishevelled, (*solvebant*), *Liv.* i. 26.; *Terent. Heaut.* ii. 3. 45.; *Virg. Æn.* iii. 65.; *Ovid. Fast.* ii. 813. tore it, (*lacerabant vel evelebant*), *Cic. Tusc.* iii. 26.; *Curt.* x. 5. or covered it with dust and ashes, *Virg. Æn.* xii. 609.; *Catull.* xlv. 224. The Greeks, on the contrary, in grief cut their hair and shaved their beard, *Senec. benes.* v. 6.; *Plutarch. in Pelopid. et Alexand.* as likewise did some barbarous nations, *Suet. Cal.* 5. It was reckoned ignominious among the Jews to shave a person's beard, *2. Sam.* x. 4. Among the *Catti*, a nation of Germany, a young man was not allowed to shave or cut his hair, till he had slain an enemy, *Tacit. de Mor. Germ.* 31. So *Civilis*, in consequence of a vow, *Id. Hist.* iv. 61.

Those who professed philosophy also used to let their beard grow, to give them an air of gravity, *Horat. Sat.* i. 3. 133. ii. 3. 35.; *Art. Poet.* 297.: Hence *Barbatus magister*, for Socrates, *Perf.* iv. 1.; but *liber barbatus*, i. e. *villosus*, rough, *Martial.* xiv. 84.; *barbatus vivit*, without shaving, *Id.* xi. 85. 18.

Augustus used sometimes to clip (*tondere forfice*) his beard, and sometimes to shave it, (*radere novaculâ*, i. e. *radendam curare vel facere*), *Suet. Aug.* 79. So *Martial.* ii. 17. Some used to pull the hairs from the root, (*pilos vellere*), with an instrument called *Volsella*, nippers or small pincers, *Plaut. Curc.* iv. 4. 22.; *Suet. Cæs.* 45. not only of the face, but the legs, &c. *Id. Jul.* 45.; *Aug.* 68.; *Galb.* 22.; *Oth.* 12.; *Martial.* v. 62. viii. 46. ix. 28.; *Quintil.* i. 6. v. 9. viii. *proem.* or to burn them out with the flame of nut shells, (*suburere nucæ ardenti*), *Suet. Aug.* 68. or of walnut shells, (*adurere*

rere candentibus jugulandum putaminibus), as the tyrant Dionysius did, *Cic. Tusc.* v. 20.; *Off.* ii. 7. or with a certain ointment called *PSILOTHRUM* vel *DROPAX*, *Martial.* iii. 74. vi. 93. x. 65 or with hot pitch or rosin, which Juvenal calls *calidi fascia visci*, ix. 14; for this purpose certain women were employed called *USTRICULÆ*, *Tertull. de pall.* 4. This pulling of the hairs, however, was always reckoned a mark of great effeminacy, *Gell.* vii. 12.; *Cic. Resc. Com.* 7 except from the armpits, (*axillæ vel axilla*), *Horat. Epod.* xii. 5.; *Senec. Ep.* 114.; *Juvenal.* xi. 157. as likewise to use a mirror when shaving, *Juvenal.* ii. 99.; *Martial.* vi. 64. 4. the operation being performed by a slave.

The Romans under the emperors began to use a kind of peruke or periwig, to cover or supply the want of hair, called *CAPILLAMENTUM*, *Suet. Cal.* 11. or *GALERUS*, *Juvenal.* vi. 120. or *GALERICULUM*, *Suet. Oth.* 12. The false hair (*crines ficti vel suppositi*) seems to have been fixed on a skin, *Martial.* xiv. 50. This contrivance does not appear to have been known in the time of Julius Cæsar, *Suet. Jul.* 45.

In great families there were slaves for dressing the hair and shaving, (*TONSOIRES*), *Ovid. Met.* xi. 182.; *Martial.* vi. 52. and for cutting the nails, *Plaut. Aul.* ii. 4. 33.; *Tibull.* i. 9. 11.; *Val. Max.* iii. 2. 15. sometimes female slaves did this, (*TONSTRICES*), *Cic. Tusc.* v. 20.; *Plutarch. in Anton.*; *Plaut. Truc.* iv. 3. 59.

There were for the poorer people public barbers shops or shades, (*TONSTRINÆ*), much frequented, *Ter. Phorm.* i. 2. 39.; *Horat. Ep.* i. 7. 50. where females also used to officiate, *Martial.* ii. 17.

Slaves were dressed nearly in the same manner with the poorer people, in clothes of a darkish colour, (*pul-lati*), and slippers, (*crepidati*); hence *vestis servilis*, *Cic. Pis.* 38.; *Servilis habitus*, *Tacit. Hist.* iv. 36.

Slaves in white are mentioned with disapprobation, *Plaut. Casin.* ii. sc. ult.; *Suet. Dom.* 12. They wore either a strait tunic called *EXOMIS* or *DIPHThERA*, *Gell.* vii. 12.; *Hesych.* 16. or a coarse frock, (*lacerna et ou-cullus*),

cullus), *Horat. Sat.* ii. 7. 54.; *Juvenal.* iii. 170.; *Martial.* x. 76.

It was once proposed in the senate, that slaves should be distinguished from citizens by their dress; but it appeared dangerous to discover their number, *Senec. de clem.* i. 24.; *Epist.* 18.

Slaves wore their beard and hair long. When manumitted, they shaved their head and put on a cap, (*pileus*), *Juvenal.* v. 171.; *Plaut. Amphit.* i. 1. 306. See p. 40.

In like manner, those who had escaped from shipwreck shaved their head, *Juvenal.* xii. 81.; *Lucian. in Ermotim.* In calm weather mariners neither cut their hair nor nails, *Petron.* 104. So those accused of a capital crime, when acquitted, cut their hair and shaved, and went to the Capitol to return thanks to Jupiter, *Martial.* ii. 74.

The ancients regarded so much the cutting of hair, that they believed no one died, till *Proserpina*, either in person, or by the ministration of *Atröpos*, cut off a hair from the head, which was considered as a kind of first fruits of consecration to Pluto, *Virg. Æn.* iv. 698.; *Hor. Od.* i. 28. 20.

II. Roman Entertainments, Exercises, Baths, Private Games, &c.

The principal meal of the Romans was what they called COENA, supper, supposed by some to have been anciently their only one, *Isidor.*

The usual time for the *cæna* was the ninth hour, or three o'clock afternoon in summer, *Cic. Fam.* ix. 26.; *Martial.* iv. 8. 6. and the tenth hour in winter, *Auct. ad Herenn.* iv. 51.; *Plin. Ep.* iii. 1. It was esteemed luxurious to sup more early, *Juvenal.* i. 49.

An entertainment begun before the usual time, and prolonged till late at night, was called CONVIVIUM TEMPESTIVUM; if prolonged till near morning,

COENA

COENA ANTELUCANA, *Cic. Cat.* ii. 10.; *Cic. Arch.* 6.; *Mür.* 6.; *Verr.* iii. 25.; *Sen.* 14.; *Att.* ix. 1.; *Senec. de ira*, ii. 28.; *Suet. Cal.* 45. Such as feasted in this manner, were said *epulari vel vivere DE DIE*, *Liv.* xxv. 23.; *Catull.* 47. 6.; *Suet. Ner.* 27.; *Curt.* v. 22.; and *IN DIEM vivere*, when they had no thought of futurity, *Cic. Phil.* ii. 34.; *Tusc.* v. 11.; *Orat.* ii. 40. a thing which was subject to the animadversion of the censors.

About mid-day the Romans took another meal called PRANDIUM, dinner, which anciently used to be called COENA, (*κοινή*, i. e. *cibus communis*, a *pluribus sumptus*, *Plutarch. Sympos.* viii. 6.; *quod Plinius alludere videtur*, *Ep.* ii. 6.) because taken in company; and food taken in the evening, (*cibus vespertinus*), VESPERNA, *Festus* in COENA. But when the Romans upon the increase of riches began to devote longer time to the *cæna* or common meal, that it might not interfere with business, it was deferred till the evening; and food taken at mid-day was called PRANDIUM.

At the hour of dinner the people used to be dismissed from the spectacles, *Suet. Claud.* 34.; *Cal.* 56. 58.

They took only a little light food for dinner, without any formal preparation, *Cels.* i. 3.; *Horat. Sat.* i. 6. 127. ii. 4. 22.; *Senec. Epist.* 84.; *Martial.* xiii. 30.; but not always so, *Plaut. Pæn.* iii. 5. 14.; *Cic. Verr.* i. 19.; *Horat. Sat.* ii. 3. 245.; *Suet. Claud.* 33.; *Domit.* 21.

Sometimes the emperors gave public dinners to the whole Roman people, *Suet. Jul.* 38.; *Tib.* 20.

A dinner was called PRANDIUM CANINUM vel *abstemium*, in which no wine was drunk, (*quod canis vino caret*), *Gell.* xiii. 29.

In the army, food taken at any time was called PRANDIUM, *Liv.* xxviii. 14. and the army after it, PRANSUS PARATUS, *Gell.* xv. 12.

Besides the *prandium* and *cæna*, it became customary to take in the morning a breakfast, (JENTACULUM), *Plaut. Curc.* i. 1. 72.; *Suet.*; *Vitell.* 13.; *Martial.* xiii. 31. xiv. 223. and something delicious after

ter supper to eat with their drink, called COMISSATIO, *Suet. Vitell.* 13.; *Domit.* 21. They used sometimes to sup in one place, and take this after-repast in another, *Ibid.*; *Liv.* xl. 7. 9.; *Plaut. V. ost.* i. 4. 5.

As the entertainment after supper was often continued till late at night, *Suet. Tit.* 7.; hence COMISSARI, to feast luxuriously, to revel, to riot, (*καμαζειν, α καμῆ, vicus, Festus*; vel potius *a καμος, Comus*, the god of nocturnal merriment and feasting among the Greeks), *Horat. Od.* iv. 1. 9.; *Quintil.* xi. 3. COMISSATIO, a feast of that kind, revelling or rioting after supper, *Cic. Cat.* ii. 5.; *Mur.* 6.; *Cæ.* 15.; *Martial.* xii. 48. II. COMISSATOR, a person who indulged in such feasting, a companion or associate in feasting and revelling, *Ter. Adelp.* v. 2. 8.; *Liv.* xl. 7.; *Martial.* iv. 5. 3. ix. 62. 15.; *Petron.* 65.; *Gell.* iv. 14.: Hence Cicero calls the favourers of the conspiracy of Catiline, after it was suppressed, COMISSATORES CONJURATIONIS, *Att.* i. 16.

Some took food betwixt dinner and supper, called MERENDA, (*quia vulgò dabatur iis, qui ære merebant, i. e. mercenariis antequam labore mitterentur; a domino seu conductore*), *Plaut. Most.* iv. 2. 50. or ANTECOENA, vel -ium, *Isidor.* xx. 2.

The ancient Romans lived on the simplest fare, chiefly on pottage, (*puls*), or bread and pot-herbs; (hence every thing eaten with bread, or besides bread, was afterwards called PULMENTUM or PULMENTARIUM, (*ὀψάριον, opsonium*, called in Scotland), *Kitchen*, *Plin.* xviii. 8.; *Varro de Lat. ling.* iv. 22.; *Horat. Sat.* ii. 2. 20.; *Ep.* i. 18. 48.; *Senec. Ep.* 87.; *Phædr.* iii. 7. 23.; *Juvenal.* vii. 185. xiv. 171. *Uncta pulmentaria, i. e. lauta et delicata fercula*, nice delicate dishes, *Perf.* iii. 102.). Their chief magistrates, and most illustrious generals when out of office, cultivated the ground with their own hands, sat down at the same board, and partook of the same food with their servants. They sometimes even dressed it themselves, as CURIUS, *Juvenal.* xi.

79.; or had their dinner brought them to the field by their wives, *Martial*. vi. 64.

But when riches were introduced by the extension of conquest, the manners of the people were changed; luxury seized all ranks, *Sævior armis luxuria incubuit, victumque ulciscitur orbem*, *Juvenal*. vi. 291. The pleasures of the table became the chief object of attention. Every thing was ransacked to gratify the appetite, (*vescendi causâ terrâ ma-ique omnia exiquerere*, &c. *Sall. Cat.* 13.)

The Romans at first sat at meals, *Serv. in Virg. Æn.* vii. 176. as did also the Greeks. Homer's heroes sat on separate seats (*ἑστιάς, solia*), around the wall, with a small table before each, on which the meat and drink were set, *Odys.* i. iii. &c. vii. & viii. So the Germans, *Tacit.* 22.

The custom of reclining (*accumbendi*) on couches, (*LECTI vel TORI*), was introduced from the nations of the east; at first adopted only by the men, *Val. Max.* ii. 1. 2. but afterwards allowed also to the women. It was used in Africa in the time of Scipio Africanus the elder, *Liv.* xxviii. 28.

The images of the gods used to be placed in this posture in a *Lectisternium*.

Boys, and young men below seventeen, sat at the foot of the couch of their parents or friends, (*in imo lecto vel subsellio, vel ad lecti fulchra assidebant*), *Suet. Aug.* 64. at a more frugal table, (*propria et parciore mensâ*), *Tacit. Ann.* xiii. 16; sometimes also girls, *Suet. Claud.* 32. and persons of low rank, *Donat. in vit. Terent.*

The custom of reclining took place only at supper. There was no formality at other meals. Persons took them alone or in company, either standing or sitting, *Suet. Aug.* 78.

The place where they supped was anciently called *COENACULUM*, in the higher part of the house, *Varro de Lat. ling.* iv. 33.; whence the whole upper part, or highest story of a house was called by that name, *Liv.* xxxix. 40.; *Suet. Vit.* 7. afterwards *COENATIO*,

NATIO, *Suet. Ner.* 31.; *Juvenal.* vii. 183.; or TRICLINIUM, *Cic. Att.* 52.; *Suet. Cæs.* 43.; *Tib.* 72. because three couches (*τρεῖς κλῖναι*, *tres lecti*, *trichinares* vel *discubitorii*) were spread (*sternebantur*) around the table, on which the guests might recline, *Serv. in Virg. Æn.* i. 698.

On each couch there were commonly three. They lay with the upper part of the body reclined on the left arm, the head a little raised, the back supported by cushions, (*pulvini*, v. *-illi*), and the limbs stretched out at full length, or a little bent; the feet of the first behind the back of the second, and his feet behind the back of the third, with a pillow betwixt each. The head of the second was opposite to the breast of the first, so that if he wanted to speak to him, especially if the thing was to be secret, he was obliged to lean upon his bosom; thus, *John*, xiii. 23. In conversation, those who spoke raised themselves almost upright, supported by cushions. When they ate, they raised themselves on their elbow, *Horat. Sat. Od.* i. 27. 8. ii. 4. 39. and made use of the right hand, sometimes of both hands; for we do not read of their using either knives or forks; hence *Manus unclæ*, *Hor. Ep.* i. 16. 23.

He who reclined at the top, (*ad caput lecti*), was called SUMMUS vel *primus*, the highest; at the foot, IMUS vel *ultimus*, the lowest; betwixt them, MEDIUS, which was esteemed the most honourable place, *Virg. ibid.*; *Horat. Sat.* ii. 8. 20.

If a consul was present at a feast, his place was the lowest on the middle couch, which was hence called LOCUS CONSULARIS, because there he could most conveniently receive any messages that were sent to him, *Plutarch. Sympos.* ii. 3. The master of the feast reclined at the top of the lowest couch, next to the consul.

Sometimes in one couch there were only two, sometimes four, *Horat. Sat.* i. 4. 86. It was reckoned sordid to have more, *Cic. Pis.* 27.

Sometimes there were only two couches in a room; hence

hence called **BICLINIUM**, *Quintil.* i. 5.; *Plaut.* iv. 4. 69. & 102.

The number of couches depended on that of the guests, which Varro said ought not to be below the number of the Graces, nor above that of the Muses, *Gell.* xiii. 11. The persons whom those who were invited had liberty to bring with them, were called **UMBRÆ**, uninvited guests, *Hor. Sat.* ii. 8. 22.; *Ep.* i. v. 28.

The bedsteads (**SPONDÆ**) and feet (**FULCRA** vel *pedes*) were made of wood, *Ovid. Met.* viii. 656.; sometimes of silver or gold, *Suet. Jul.* 49. stuffed with feathers or wool, *Cic. Tusc.* iii. 19.; anciently with hay or chaff, (*feno* vel *acere* aut *paleâ*), *Varro de Lat. ling.* iv. 35. All kinds of stuffing (*omnia sarcimina*) were called **TOMENTUM** quasi *tondimentum*, *Suet. Tib.* 54.; *Martial.* xi. 22. xiv. 150.

A couch with coarse stuffing, (*conciſa palus*, i. e. *arundines palustres*), a pallet, was called **Tomentum** **CIRCENSE**, because such were used in the *circus*; opposed to **Tomentum** **LINGONICUM** vel **LEUCONICUM**, *Martial.* xiv. 160.; *Senec. de vit. beat.* 25.

At first couches seem to have been covered with herbs or leaves: Hence **LECTUS**, a couch, (*quod herbis et frondibus lectis incubabant*), *Varro de Lat. ling.* iv. 35. vel **TORUS**, (*quia veteres super herbam tortam discumbant*, *Id. et Serv. in Virg. Æn.* i. 708. v. 388. vel, *ut alii dicunt, quod lectus toris*, i. e. *funibus tenderetur*, *Horat. Epod.* xii. 12.) or with straw, (*stramen* vel *stramentum*), *Plin.* viii. 48.; *Horat. Sat.* ii. 3. 117.

The cloth or ticking which covered the mattress or couch, the bed-covering (*operimentum* vel *involucrum*), was called **TORAL**, *Horat. Sat.* ii. 4. 84.; *Ep.* i. 5. 22. by later writers *Torale linteum*, or **SEGESTRE**, v. -trum, v. -trium, *Varro*; or **LODIX**, which is also put for a sheet or a blanket, *Juvenal.* vi. 194. vii. 66.; *Martial.* xiv. 148. 152. *Lodicula*, a small blanket or flannel coverlet for the body, *Suet. Aug.* 83.

On solemn occasions the couches were covered with superb cloth, with purple and embroidery, (*STRAGULA VESTIS*), *Cic. Verr.* ii. 19.; *Liv.* xxxiv. 7.; *Horat. Sat.* ii. 3. 118.; *picca stragula*, *Tibull.* i. 2. 79. *Textile stragulum*, an embroidered coverlet, with a beautiful mattress below, (*pulcherrimo strato*), *Cic. Tusc.* v. 21. but some read here *pulcherrimè*; as *Lectus stratus conchyliato peristromate*, bespread with a purple covering, *Cic. Phil.* ii. 27.; also *ATTALICA peripetasmata*, *Cic. Verr.* iv. 12. much the same with what Virgil calls *saperba aulea*, fine tapestry, *Æn.* i. 697. said to have been first invented at the court (*in aula*, hinc *AULÆA*), of *Attalus* king of Pergamus, *Plin.* viii. 48.

Hangings (*aulea*) used likewise to be suspended from the top of the room to receive the dust, *Horat. Sat.* ii. 8. 54.; *Serv. in Virg. Æn.* i. 697.

Under the emperors, instead of three couches was introduced the use of one of a semicircular form, thus C, called *SIGMA* from the Greek letter of that name, which usually contained seven, *Martial.* ix. 48. xiv. sometimes eight, called also *STIBADIUM*, *Id.* xiv. 87. and by later writers *Accubitus*.

The tables (*MENSÆ*) of the Romans were anciently square, and called *CIBILLÆ*, *Varro et Festus.*; on three sides of which were placed three couches, the fourth side was left empty for the slaves to bring in and out the dishes. When the semicircular couch or the *sigma* came to be used, tables were made round, *Juvenal.* i. 137.

The tables of the great were usually made of citron or maple-wood, and adorned with ivory, *Cic. Verr.* iv. 17.; *Martial.* xiv. 89. & 90. ii. 43.

The tables were sometimes brought in and out with the dishes on them; hence *Mensam APPONERE*, *Plaut. Afin.* v. 1. 2.; *Id. Most.* i. 3. 150. iii. 1. 26.; *Cic. Att.* xiv. 21.; *Ovid. Met.* viii. 570. et *AUFERRE*, *Plaut. Amph.* ii. 2. 175. vel *REMOVERE*, *Virg. Æn.* i. 220. & 627. but some here take *mensæ* for the dishes. Sometimes the dishes were set down on the table; hence *cibum*,

bum, lances, patinas, vel cœnam mensis APPONERE, Virg. Æn. iv. 602.; Cic. Tusc. v. 32.; Verr. iv. 22.; Att. vi. 1. Epulis mensas onerare, Virg. G. iv. 388. DEMERERE vel TOLLERE, Plaut. Mil. iii. i. 155. &c.

MENSA is sometimes put for the meat or dishes, (*lanx, patina, patella vel discus*); hence PRIMA MENSA, for *prima fercula*, the first course, the meat, *Macrobi. Sat. vii. 1. SECUNDA MENSA*, the second course, the fruits, &c. (*bellaria*), or the desert, *Cic. Att. xiv. 6.; Fam. xvi. 21.; Virg. G. ii. 101.; Nep. Ages. 8. Mittere de mensa*, to send some dish, or part of a dish to a person absent, *Cic. Att. v. 1. Dapes mensæ brevis*, a short meal, a frugal table, *Horat. Art. p. 198.; mensa opima, Sil. xi. 283.*

Virgil uses *mensa* for the cakes of wheaten bread (*adorea liba, vel cereale solum. SOLUM omne dicitur, quod aliquid sustinet, Serv. in Virg. Ecl. vi. 35.; Æn. v. 199.; Ovid. Met. i. 73.*) put under the meat, which he calls *orbes* because of their circular figure, and *quadra*, because each cake was divided into four parts, quarters, or quadrants, by two straight lines drawn through the centre, *Virg. Æn. vii. 116.*: Hence *alienâ vivere quadra*, at another's expence or table, *Juvenal. v. 2. findetur quadra, i. e. frustum panis*, the piece of bread, *Horat. Ep. i. 17. 49. So quadra placenta vel casei, Mart. vi. 75. xii. 32. 18.*

A table with one foot was called MONOPODIUM. These were of a circular figure, (*orbes*), used chiefly by the rich, and commonly adorned with ivory and sculpture, *Juvenal. i. 138. xi. 123.*

A side-board was called ABACUS, *Liv. xxxix. 6.; Cic. Verr. iv. 16. 25.; Tusc. v. 21.;* or DELPHICA, sc. *mensa, Vet. Schol. in Juvenal. iii. 204.; Mart. xii. 67.; Cic. Verr. iv. 59. LAPIS ALBUS, i. e. mensa marmorea, Horat. Sat. i. 6. 116.*

The table of the poorer people commonly had three feet, (*TRIPES*), *Horat. Sat. i. 3. 13.; Ovid. Met. viii. 661.*

The ancient Romans did not use table-cloths, (*mantilia*), but wiped the table with a sponge, *Martial.* xiv. 44. or with a coarse cloth, (*gausape*), *Horat. Sat.* ii. 8. 11.

Before the guests began to eat, they always washed their hands, and a towel (*MANTILE*, v. *-tèle, -telle, -um, v. -ium*), was furnished them in the house where they supped to dry them, *Virg. Æn.* i. 702.; *G.* iv. 377. But each guest seems to have brought with him from home the table-napkin (*MAPPA*) or cloth, which he used in time of eating to wipe his mouth and hands, *Martial.* xii. 29.; *Horat.* ii. 8. 63. but not always, *Hor. Ep.* i. 5. 22. The *mappa* was sometimes adorned with a purple fringe, (*lato clavo*), *Mart.* iv. 46. 17.

The guests used sometimes, with the permission of the master of the feast, to put some part of the entertainment into the *mappa*, and give it to their slaves to carry home, *Mart.* ii. 32.

Table-cloths (*lintea villosa, gausäpa vel mantilia*), began to be used under the emperors, *Martial.* xiv. 138. xii. 29. 12.

In later times the Romans before supper used always to bathe. The wealthy had baths, (*BALNEUM*, vel *Balineum*, plur. *-neæ, vel -a*), both cold and hot, at their own houses, *Cic. de Orat.* ii. 55. There were public baths (*BALNEA*) for the use of the citizens at large, *Cic. Cæl.* 26.; *Horat. Ep.* i. 1. 92. where there were separate apartments for the men and women, (*balnea virilia et muliebria*), *Varro de Lat. ling.* viii. 42.; *Vitruv.* v. 10.; *Gell.* x. 3. Each paid to the bath-keeper (*balneator*) a small coin, (*quadrans*), *Horat. Sat.* i. 3. 137.; *Juvenal.* vi. 446.; hence *res quadrantaria* for *balneum*, *Senec. Epist.* 86. *Quadrantaria permutatio*, i. e. *pro quadrante copiam sui fecit*, *Cic. Cæl.* 26. So *quadrantaria* is put for a mean harlot, *Quintil.* viii. 6. Those under age paid nothing, *Juvenal.* vi. 446.

The usual time of bathing was two o'clock (*octava hora*) in summer, and three in winter, *Plin. Ep.* iii. 1.; *Martial.* x. 48.

The

The Romans before bathing took various kinds of exercise, (*exercitationes campestres, post decisa negotia campo*, sc. Martio, *Hor. Ep. i. 1. 59.*) as the ball or tennis, (PILA), *Horat. Sat. i. 5. 48.*; throwing the javelin and the DISCUS or quoit, a round bullet of stone, iron, or lead, with a thong tied to it, *Horat. Od. i. 8. 11.*; the PALUS, or PALARIA, *Juvenal. vi. 246.* (See p. 353.) riding, running, leaping, &c. *Suet. Aug. 83.*; *Martial. vii. 31.*

There were chiefly four kinds of balls; 1.—PILA TRIGONALIS vel TRIGON, so called, because those who played at it were placed in a triangle, (*τρίγωνον*), and tossed it from one another, he who first let it come to the ground was the loser.—2. FOLLIS vel *folliculus*, inflated with wind like our foot-ball, which if large they drove with the arms, and simply called PILA, *Prop. iii. 12. 5.* or PILA VELOX, *Horat. Sat. ii. 2. 11.* if smaller, with the hand, armed with a kind of gauntlet; hence called FOLLIS PUGILLATORIUS, *Plaut. Rud. iii. 4. 16.*; *Martial. xiv. 47.*—3. PILA PAGANICA, the village ball, stuffed with feathers; less than the *folliculus*, but more weighty, *Martial. xiv. 45.*—4. HARPASTUM, (*ἀπράζω, rapio*), the smallest of all, which they snatched from one another, *Martial. iv. 19. vii. 31.*; *Suet. Aug. 83.*

Those who played at the ball were said *ludere raptim*, vel *pilam revocare cadentem*, when they struck it rebounding from the ground; when a number played together in a ring, and the person who had the ball seemed to aim at one, but struck another, *ludere datatim*, vel *non sperato fugientem reddere gestu*; when they snatched the ball from one another, and threw it aloft, without letting it fall to the ground, *ludere expulsum*, vel *pilam geminare volantem*, *Lucan. ad Pis. 173.*; *Plaut. Curc. ii. 3. 17.*; *Isidor. i. 21.*

In country villas there was usually a tennis-court, or place for playing at the ball and for other exercises, laid out in the form of a *circus*; hence called SPHERISTARIUM, *Suet. Vesp. 20.*; *Plin. Ep. ii. 17. v. 6.*

Young men and boys used to amuse themselves in whirling along a circle of brass or iron, set round with rings, as our children do wooden hoops. It was called **TROCHUS** (*a τροχῷ, curro*), and *Græcus trochus*, because borrowed from the Greeks, *Horat. Od. iii. 24. 57.*; *Martial. xi. 22. xiv. 169.* The top (*TURBO vel buxum*) was peculiar to boys, *Virg. Æn. vii. 378.*; *Perf. iii. 51.* Some confound these two, but improperly.

Those who could not join in these exercises, took the air on foot, in a carriage, or a litter.

There were various places for walking, (**AMBULACRA** vel **AMBULATIONES**, *ubi spatiarentur*), both public and private, under the open air, or under covering, *Cic. Dom. 44.*; *Orat. ii. 20.*; *Att. xiii. 29.*; *ad Q. Fratr. iii. 17.*; *Gell. i. 2.*; *Horat. Od. ii. 15. 16.*; *Ep. i. 10. 22.*; *Juvenal. iv. 5. vi. 60.*

Covered walks (**PORTICUS**, porticos or piazzas) were built in different places, chiefly round the *Campus Martius* and *Forum*, supported by marble pillars, and adorned with statues and pictures; some of them of immense extent; as those of Claudius, *Martial. de Spect. ii. 9.*; of Augustus, *Prop. ii. 23. 1.*; *Ovid. Trist. iii. 1. 59.*; of Nero, *Suet. Ner. 31.*; of Pompey, *Ovid. Art. Am. i. 67. &c.*

Porticos were employed for various other purposes besides taking exercise. Sometimes the senate was assembled, and courts of justice held in them.

A place set apart for the purpose of exercise on horseback or in vehicles, was called **GESTATIO**. In villas it was generally contiguous to the garden, and laid out in the form of a *circus*, *Plin. Epist. i. 3. ii. 17.*

An inclosed gallery, with large windows to cool it in summer, was called **CRYPTOPORTICUS**, *Plin. Epist. ii. 17. v. 6.*

As the Romans neither wore linen nor used stockings, frequent bathing was necessary, both for cleanliness and health, especially as they took so much exercise.

Anciently

Anciently they had no other bath but the Tiber. They indeed had no water but what they drew from thence, or from wells in the city and neighbourhood; as, the fountain of *Egeria* at the foot of Mount Aventine, *Liv.* i. 19.; *Ovid. Fast.* iii. 273.; *Juvenal.* iii. 13.; of Mercury, *Ovid. Fast.* v. 673. &c.

The first aqueduct at Rome was built by Appius Claudius the censor, about the year of the city 441. Seven or eight aqueducts were afterwards built, which brought water to Rome from the distance of many miles, in such abundance, that no city was better supplied.

These aqueducts were constructed at a prodigious expence, carried through rocks and mountains, and over vallies, supported on brick arches. Hence it is supposed the Romans were ignorant, that water conveyed in pipes rises to the height of its source, whatever be the distance or inequality of ground through which it passes. It is strange they did not discover this fact, considering the frequent use they made of pipes (*fistulae*) in conveying water.

The waters were collected in reservoirs, called CASTELLA, and thence distributed throughout the city in leaden pipes, *Plin.* xxxvi. 15.; *Horat. Ep.* i. 10. 20.

When the city was fully supplied with water, frequent baths were built, both by private individuals and for the use of the public; at first however more for utility than show. (*in usum, non oblectamentum*, *Senec. Ep.* 86.)

It was under Augustus that baths first began to assume an air of grandeur, and were called THERMÆ, (*θερμαι, calores*, i. e. *calidæ aquæ*, *Liv.* xxxvi. 15.) Bagnios or hot-baths, although they also contained cold baths. An incredible number of these were built up and down the city, *Plin. Epist.* iv. 8.; authors reckon up above 800, many of them built by the emperors with amazing magnificence. The chief were those of Agrippa near the *Panthæon*, *Dio*, liii.; of Nero, *Martial.* vii. 33.; *Stat. Sylv.* i. 5. 61.; of Titus, *Suet.* 7.; of Domitian,

mitian, *Suet.* 5.; of Caracalla, Antoninus, Dioclesian, &c. Of these, splendid vestiges still remain.

The basin (*labrum* aut *lacus*) where they bathed was called BAPTISTERIUM, NATATIO or PISCINA. The cold bath was called FRIGIDARIUM, sc. *abenum* v. *balneum*; the hot, CALDARIUM, and the tepid, TEPIDARIUM: The cold bath-room, CELLA FRIGIDARIA; and the hot, CELLA CALDARIA, *Plin. Epist.* v. 6.; *Vitruv.* v. 10.; the stove-room, HYPOCAUSTON, or VAPORARIUM, *Cic. Q. Fratr.* iii. 1. warmed by a furnace (*propigneum* vel *præfurnium*), below, *Plin. Ep.* ii. 17.; adjoining to which were sweating-rooms, (SUDATORIA, *Senec. Epist.* 52. vel *Assa*, sc. *balnea*, *Cic. Q. Fratr.* iii. 1.) the undressing room, APODYTERIUM, *Cic. ibid. Plin. Ep.* v. 6.; the perfuming-room, UNCTUARIUM, ii. 17.

The Romans began their bathing with hot water, and ended with cold. The cold bath was in great repute, after Antonius Musa recovered Augustus from a dangerous disease by the use of it, *Suet. Aug.* lix. 81.; *Plin.* 29. 1.; *Horat. Ep.* i. 15. but fell into discredit after the death of Marcellus, which was occasioned by the injudicious application of the same remedy.

The person who had the charge of the bath was called BALNEATOR, *Cic. Cæl.* 26.; *Phil.* xiii. 12. He had slaves under him, called CAPSARI, who took care of the cloaths of those who bathed.

The slaves who anointed those who bathed, were called ALIPTÆ, *Cic. Fam.* i. 9.; *Juvenal.* iii. 76. vi. 421. or UNCTORES, *Martial.* vii. 31. 6. xii. 71. 3.

The instruments of an Aliptes were a curry-comb or scraper, (STRIGILIS, v. -il), to rub off (*ad defringendum et defringendum* vel *radendum*) the sweat and filth from the body, made of horn or brass, sometimes of silver or gold, *Suet. Aug.* 80.; *Horat. Sat.* ii. 7. 110.; *Perf.* v. 126.; *Martial.* xiv. 51.; *Senec. Epist.* 95.; whence *strigmenta* for *sordes*;—towels or rubbing cloths, (LINTEA),—a vial or cruet of oil, (GUTTUS), usually of horn, (*corneus*); hence a large horn was called
RHINOCEROS,

RHINOCEROS, *Juvenal.* iii. 263. vii. 130.; *Martial.* xiv. 52. 53.; *Gell.* xvii. 8.; a jug (AMPULLA), *Plaut. Stich.* i. 3. 77.; *Perf.* i. 3. 44. and a small vessel called *Lenticula*.

The slave who had the care of the ointments was called UNGUENTARIUS, *Serv. in Virg. Æn.* i. 697.

As there was a great concourse of people to the baths, poets sometimes read their compositions there, *Horat. Sat.* i. 4. 73.; *Martial.* iii. 44. 10. as they also did in the porticos and other places, *Juvenal.* i. 12. vii. 39.; *Plin. Epist.* i. 13. iii. 18. vii. 17. viii. 12.; *Suet. Aug.* 89.; *Claud.* 41.; *Domit.* 2. chiefly in the months of July and August, *Plin. Epist.* viii. 21.; *Juvenal.* iii. 9.

Studious men used to compose, hear, or dictate something while they were rubbed and wiped, *Suet. Aug.* 85.; *Plin. Epist.* iii. 5. iv. 14.

Under the emperors, not only places of exercise, (*gymnasia et palestræ*), but also libraries (*bibliothecæ*) were annexed to the public baths, *Senec. de Tranquil. An.* 9.

The Romans after bathing dressed for supper. They put on the SYNTHESIS (*vestis cœnatoria*) and slippers; which, when a person supped abroad, were carried to the place by a slave, with other things requisite; a mean person sometimes carried them himself, *Horat. Ep.* i. 13. 15. It was thought very wrong to appear at a banquet without the proper habit, *Cic. Vat.* 12. as among the Jews, *Matth.* xxii. 11.

After exercise and bathing the body required rest; hence probably the custom of reclining on couches at meat. Before they lay down, they put off their slippers that they might not stain the couches, *Martial.* iii. 50.; *Horat. Sat.* ii. 8. 77.

At feasts the guests were crowned with garlands of flowers, herbs, or leaves, (*ferta, coronæ vel corollæ*), tied and adorned with ribbons, (*vittæ, tænia, vel lemnisci*), or with the rhind or skin of the linden tree, (*philyra*), *Horat. Od.* ii. 7. 23. ii. 11. 13.; *Sat.* ii. 3. 256.; *Virg. Ecl.* vi. 16.; *Juvenal.* v. 36. xv. 50.; *Martial.* xiii.

127.; *Ovid. Fast. v. 337.*; *Plin. xvi. 14.* These crowns, it was thought, prevented intoxication.

Their hair also was perfumed with various ointments, (*unguenta vel aromata*), nard or spikenard, *NARDUM*, vel -US, *MALOBATHRUM ASSYRIUM*, *Horat. ibid.*; *Martial. iii. 12.*; *AMOMUM*, *Virg. Ecl. iii. 89. iv. 25.*; *BALSAMUM ex Judæa*, *Plin. xii. 25. &c.*

The Romans began their feasts by prayers and libations to the gods. (*deos invocabant*, *Quintilian. Libare diis dapes et bene precari*, *Liv. xxxix. 43.*). They never tasted any thing without consecrating it, *Tibull. i. 1. 19.*; they usually threw a part into the fire as an offering to the *Lares*, therefore called *DII PATELLARII*, *Plaut. Cist. ii. 1. 46.*: Hence *DAPE LIBATÆ*, *Horat. Sat. ii. 6. 67.*; and when they drank, they poured out a part in honour of some god on the table, which was held sacred as an altar, *Macrob. Sat. iii. 11.*; *Virg. Æn. i. 736.*; *Sil. vii. 185. 748.* with this formula, *LIBO TIBI*, *Tacit. Annal. xv. 64.*

The table was consecrated by setting on it the images of the *Lares* and salt-holders, (*salinorum appositu*), *Arnob. ii.*

Salt was held in great veneration by the ancients. It was always used in sacrifices, *Horat. Od. iii. 23. 20.*; *Plin. xxxvii. 7.*; thus also Moses ordained, *Levit. ii. 13.* It was the chief thing eaten by the ancient Romans with bread and cheese, *Plin. ibid.*; *Hor. Sat. ii. 2. 17.* as cresses, (*nasturtium*) by the ancient Persians, *Cic. Tusc. v. 34.*

A family salt-cellar (*paternum salinum*, sc. *vas*) was kept with great care, *Horat. Od. ii. 16. 14.* To spill the salt at table was esteemed ominous, *Festus*. Setting down salt before a stranger was reckoned a symbol of friendship, as it still is by some eastern nations.

From the savour which salt gives to food, and the insipidity of unsalted meat, *sal* was applied to the mind; hence *SAL*, wit or humour; *salsus*, witty; *insulsus*, dull, insipid; *sales*, witty sayings: *sal Atticum*, *sales urbani*, *Cic. Fam. ix. 15. Sales intra poma-*

ria

ria nati, polite raillery or repartees, *Juvenal.* ix. 11. *Sal niger*, i. e. *amari sales*, bitter raillery or satire, *Horat. Ep.* ii. 2. 60.; but in *Sat.* ii. 4. 74. *sal nigrum* means simply *black salt*.

Sal is metaphorically applied also to things; thus, *Tectum plus salis quam sumptus habebat*, neatness, taste, elegance, *Nep. Att.* xiii. *Nulla in corpore mica salis*, *Catull.* 85.

The custom of placing the images of the gods on the table, prevailed also among the Greeks and Persians, particularly of *Hercules*; hence called *EPITRAPEZIUS*, *Stat. Sylv.* iv. 2. 60.; *Martial.* ix. 44. and of making libations, *Curt.* v. 8.

In making an oath or a prayer, the ancients touched the table as an altar, *Ovid. Amor.* i. 4. 27.; and to violate it by any indecent word or action was esteemed impious, *Juvenal.* ii. 116. To this Virgil alludes, *Æn.* vii. 114.

As the ancients had not proper inns for the accommodation of travellers, the Romans, when they were in foreign countries, or at a distance from home, used to lodge at the houses of certain persons, whom they in return entertained at their houses in Rome: This was esteemed a very intimate connection, and called *HOSPITIUM*, or *Jus Hospitalii*, *Liv.* i. 1.: Hence *HOSPES* is put both for an host or entertainer, and a guest, *Ovid. Met.* x. 224.; *Plaut. Most.* ii. 2. 48.; *Cic. Deiot.* 3. *Accipere hospitem non multi cibi sed multi joci*, *Cic. Fam.* ix. 26. *Divertere ad hospitem*, *De divin.* i. 57.; *Fin.* v. 2. *Hospitalium cum aliquo facere*, *Liv. et Cic. Jungimus hospitio dextras*, sc. in, *Virg. Æn.* iii. 83. *Hospitalio conjungi*, *Cic. Q. Fratr.* i. 1. *Hospitalio aliquem excipere et accipi*, *renunciare hospitalium ei*, *Cic. Verr.* ii. 36.; *Liv.* xxv. 18. *Amicitiam ei more majorum renunciare*, *Suet. Cal.* 3.; *Tacit. Ann.* ii. 70. *Domo interdicere*, *Id. Aug.* 66.; *Tacit. Ann.* vi. 29.

This connection was formed also with states, by the whole Roman people, or by particular persons, *Liv.* v. 28. xxxvii. 54.; *Cic. Verr.* iv. 65.; *Balb.* 18.; *Cæs. B.* G. i.

G. i. 31.: Hence *Clientele hospitiae provincialia*, Cic. Cat. iv. 11.

Individuals used anciently to have a tally (TESSE. RA *hospitalitatis*) or piece of wood cut into two parts, of which each party kept one, *Plaut. Pen.* v. 1. 22. & 2. 92. They swore fidelity to one another by Jupiter, hence called HOSPITALIS, Cic. 2. *Fratr.* ii. 11.

A league of hospitality was sometimes formed by persons at a distance, by mutually sending presents to one another, *Virg. Æn.* ix. 361.

The relation of *hospites* was esteemed next to that of parents and clients, *Gell.* i. 13. To violate it was esteemed the greatest impiety, *Virg. Æn.* v. 55.; Cic. *Verr.* v. 42.

The reception of any stranger was called *Hospitium*, and also the house or apartment in which he was entertained; thus, *Divisi in hospitia*, lodgings, *Liv.* ii. 14. HOSPITALE *cubiculum*, the guest-chamber, *Liv.* i. 58.

The Roman nobility used to build apartments (*dormuncula*) for strangers, called HOSPITALIA, on the right and left end of their houses, with separate entries, that upon their arrival they might be received there, and not into the *peristyle* or principal entry; PERISTYLIUM, so called because surrounded with columns, *Vitruv.* vi. 10.; *Suet. Aug.* 82.

The COENA of the Romans usually consisted of two parts, called MENSA PRIMA, the first course, consisting of different kinds of meat; and MENSA SECUNDA, the second course, consisting of fruits and sweetmeats, *Serv. in Virg. Æn.* i. 216. 723. viii. 283.

In later times the first part of the *cena* was called GUSTATIO, *Petron* 22. 31. or GUSTUS, consisting of dishes to excite the appetite, a whet, *Martial.* xi. 32. 53. and wine mixed with water and sweetened with honey, called MULSUM, *Horat. Sat.* ii. 4. 26.; Cic. *Tusc.* iii. 19.; *Orat.* ii. 70.; *Fin.* ii. 17.; *Plin.* xxii. 24.; whence what was eaten and drunk (*antecæna*) to whet the appetite, was named PROMULSIS, Cic. *Fam.* ix. 16. 20. and the place where these things were kept,

kept, *PROMULSIDARIUM*, v. -re, or *GUSTATORIUM*, *Petron.* 31.; *Plin. Ep.* v. 6.; *Martial.* xiv. 88.; *Plin.* ix. 12.

But *gustatio* is also put for an occasional refreshment through the day, or for breakfast, *Plin. Epist.* iii. 5. vi. 16.; *Suet. Aug.* 76.; *Vopisc. Tac.* 11.

The principal dish at supper was called *COENÆ CAPUT* vel *POMPA*, *Martial.* x. 31.; *Cic. Tusc.* v. 34.; *Fin.* ii. 8.

The Romans usually began their entertainments with eggs, and ended with fruits; hence *AB OVO USQUE AD MALA*, from the beginning to the end of supper, *Horat. Sat.* i. 3. 6.; *Cic. Fam.* ix. 20.

The dishes (*edulia*) held in the highest estimation by the Romans are enumerated, *Gell.* vii. 16.; *Macrob. Sat.* ii. 9.; *Martial.* v. 79. ix. 48. xi. 53. &c. a peacock, (*PAVO*, v. -us), *Horat. Sat.* ii. 2. 23.; *Juvenal.* i. 143.; a pheasant, (*PHASIANA*, ex *Phasi Colchidis fluvio*), *Martial.* iii. 58. xiii. 72.; *Senec. ad Helv.* 9.; *Petron.* 79.; *Manil.* v. 372.; a bird called *Attāgen* vel -īna, from Ionia or Phrygia, *Horat. Epod.* ii. 54.; *Martial.* xiii. 61.; a turkey, (*avis Afra*, *Horat. ibid.*; *Gallina Numidica* vel *Africana*, *Juvenal.* xi. 142.; *Martial.* xiii. 73.); a Melian crane; an Ambracian kid; nightingales, *lusciniæ*; thrushes, *turdi*; ducks, geese, &c. *TOMACULUM* (*a τῆρυξ*), vel *ISICIUM*, (*ab insēco*), sausages or puddings, *Juvenal.* x. 355.; *Martial.* i. 42. 9.; *Petron.* 31.

Sometimes a whole boar was served up; hence called *ANIMAL PROPTER CONVIVIA NATUM*, *Juvenal.* i. 141. and *PORCUS TROJANUS*, stuffed with other animals, *Macrob. Sat.* ii. 9.

The Romans were particularly fond of fish, *Macrob. Sat.* ii. 11.; *Mullus*, the mullet; *Rhombus*, thought to be turbot; *murena*, the lamprey; *scarus*, the scar or char; *acipenser*, the sturgeon; *lupus*, a pike, &c. but especially of shell-fish, *pisces testacei*, *pectines*, *pectunculi*, vel *CONCHYLIA*, *ostrea*, oysters, &c. which they sometimes brought all the way from Britain, *Ratapinoque*
O o
edita

edita fundo, from *Rutupia*, Richborough in Kent, *Juvenal.* iv. 141.

The Romans used to weigh their fishes alive at table; and to see them expire was reckoned a piece of high entertainment, *Plin.* ix. 17.

The dishes of the second table or the desert, were called *BELLARIA*; including fruits, *poma vel mala*, apples, pears, nuts, figs, olives, grapes; *Pistachia*, vel *-a*, Pistachio nuts; *amygdalæ*, almonds; *uvæ passæ*, dried grapes, raisins; *caricæ*, dried figs; *palmule*, *caryotæ* vel *dactyli*, dates, the fruit of the palm-tree; *bolēti*, mushrooms, *Plin. Ep.* i. 7.; *nuclei pinei*, pine-apples; also sweetmeats, confections, or confectious, called *Edulia mellita* vel *dulciaria*; *cupediæ*; *crustula*, *liba*, *placentæ*, *artotagani*, cheese-cakes, or the like; *coptæ*, almond-cakes; *scriblitæ*, tarts, &c.; whence the maker of them, the pastry-cook, or the confectioner, was called *Pistor* vel *conditor dulciarius*, *placentarius*, *libarius*, *crustularius*, &c.

There were various slaves who prepared the victuals, who put them in order, and served them up.

Anciently the baker and cook (*pistor et coquus* vel *coqus*) were the same, *Festus*. An expert cook was hired occasionally, *Plaut. Aul.* ii. 4. 185.; *Pseud.* iii. 2. 20. But after the luxury of the table was converted into an art, cooks were purchased at a great price, *Liv.* xxxix. 6.; *Plin.* ix. 17.; *Martial.* xiv. 220. Cooks from Sicily in particular were highly valued, *Athen.* xiv. 23.; *Horat. Od.* iii. 1. 18.

The chief cook who had the direction of the kitchen, (*qui coquina præerat*), was called *ARCHIMAGIRUS*, *Juvenal.* ix. 109. The butler who had the care of provisions, *PROMUS CONDUS*, *Procurator peni*, (*PENUS autem omne quo vescuntur homines*, *Cic. de Nat. D.* ii. 27.) *Plaut. Pseud.* ii. 2. 14.; *Horat. Sat.* ii. 2. 16. He who put them in order, *STRUCTOR*, *Martial.* ix. 48.; *Juvenal.* vii. 184. and sometimes carved, *Id.* v. 120. xi. 136.; the same with *CARPTOR*, *Carpus*, or *Scissor*, *Id.* ix. 110. He who had the charge of the hall, *ATRIENSIS*, *Cic. Parad.* v. 2.

They

They were taught carving as an art, and performed to the sound of music; hence called *CHIRONOMONTES* vel *gesticulatores*, *Id.* v. 121. xi. 137.

The slaves who waited at table were properly called *MINISTRI*; lightly clothed in a tunic, and girt (*succincti* vel *altè cincti*, *Horat. Sat.* ii. 6. 107. ii. 8. 10.) with napkins; (*lintheis succincti*, *Suet. Cal.* 26.) who had their different tasks assigned them; some put the plate in order, (*argentum ordinabant*), *Senec. de brev. vit.* 12.; some gave the guests water for their hands, and towels to wipe them; some served about the bread; some brought in the dishes, (*opsonia inferebant*), and set the cups, *Virg. Æn.* i. 705. &c.; some carved; some served the wine, *Juvenal.* v. 56. 59. &c. In hot weather there were some to cool the room with fans, (*flabella*), and to drive away the flies, *Martial.* iii. 82.

Maid-servants (*samulæ*) also served at table, *Virg. Æn.* i. 703.; *Suet. Tib.* 42.; *Curt.* v. 1.

When a master wanted his slave to bring him any thing, he made a noise with his fingers, (*digitis crepuit*), *Ibid.* & vi. 89. xiv. 119.; *Petron.* 27.

The dishes were brought in, either on the tables themselves, or more frequently on frames, (*FERCULA*), each frame containing a variety of dishes, *Petron.* xxxv. 66.; hence *Præbere cœnam trinis vel senis ferculis*, i. e. *missibus*, to give a supper of three or six courses, *Suet. Aug.* 74.; *Juvenal.* i. 94. But *fercula* is also sometimes put for the dishes or the meat, *Horat. Sat.* ii. 6. 104.; *Martial.* iii. 50. ix. 83. xi. 32.; *Auson. Epigr.* 8.; *Juvenal.* xi. 64. Sometimes the dishes (*patinæ* vel *catini*) were brought in and set down separately, *Horat. Sat.* ii. 8. 42. ii. 2. 39.

A large platter (*lanx* vel *scutella*) containing various kinds of meat, was called *MAZONOMUM*, (*a νῆμα τριβω, et μάζα, edulium quoddam e farina et lacte*); which was handed about, that each of the guests might take what he chose, *Id.* viii. 86. Vitellius caused a dish of immense size to be made, which he called the *Shield of Minerva*, filled with an incredible variety of the rarest and nicest kinds of meat, *Suet. Vit.* 13.

At a supper given that emperor by his brother upon his arrival in the city, (*cæna adventitia*), 2000 of the most choice fishes, and 7000 birds are said to have been served up. He used to breakfast, dine, and sup with different persons the same day, and it never cost any of them less than 400,000 sesterces, about 3229l. 3s. 4d. *Ibid.*: Thus he is said to have spent in less than a year, *Novies millies H. S. i. e. 7,265,625 l. Dio et Tacit.*

An uncommon dish was introduced to the sound of the flute, and the servants were crowned with flowers, *Macrob. Sat. ii. 12.*

In the time of supper the guests were entertained with music and dancing; sometimes with pantomimes and play-actors, and even with gladiators; but the more sober had only persons to read or repeat select passages from books, (*ANAGNOSTÆ vel ACROAMATA*), *Cic. Att. i. 12.*; *Fam. v. 9.*; *Nep. Att. xiii. 14.*; *Suet. Aug. 78.*; *Plin. Ep. i. 15. iii. 5. ix. 36.*; *Gell. iii. 19. xiii. 11. xix. 7.*; *Martial. iii. 50.* Their highest pleasure at entertainments arose from agreeable conversation, *Cic. Sen. 14.*; *Horat. Sat. ii. 6. 70.*

To prevent the bad effects of repletion, some used after supper to take a vomit; thus Cæsar, (*accubuit, iuxtaque agebat, i. e. post cænam vomere volebat, ideoque largius edebat*), *Cic. Att. xiii. 52.*; *Dejot. 7.*; also before supper and at other times, *Suet. Vit. 13.*; *Cic. Phil. 41.*; *Cels. i. 3.* *Vomunt, ut edant; edunt, ut vomant*, *Senec. ad Helv. 9.* Even women after bathing before supper, used to drink wine and throw it up again to sharpen their appetite, (*Falerni sextarius alter ducitur ante cibum, ravidam succurus orexim.*) *Juvenal. vi. 427.*

A sumptuous entertainment (*cæna lauta, opima vel epipæra*), was called AUGURALIS, *Cic. Fam. vii. 26.*; PONTIFICALIS vel Pontificum, *Hor. Od. ii. 14. 25.*; SALIARIS, *Id. i. 37.*; *Cic. Att. v. 9.* because used by these priests; or DUBIA, *ubi tu dubites, quid sumas potissimum*, *Ter. Phor. ii. 2. 28.*; *Hor. Sat. ii. 2. 76.*

When a person proposed supping with any one without invitation, or, as we say, invited himself, (*cænam*

ei condixit, vel ad cenam), *Cic. Fam. i. 9.*; *Suet. Tib. 42.* he was called *HOSPES OBLATUS*, *Plin. præf.* and the entertainment, *SUBITA CONDUCTAQUE COENULA*, *Suet. Claud. 21.*

An entertainment given to a person newly returned from abroad, was called *Cæna ADVENTITIA vel -toria*, *Suet. Vit. 13. vel VIATICA*; *Plaut. Bacch. i. 1. 61.*; by patrons to their clients, *Cæna RECTA*, opposed to *SPORTULA*, *Martial. viii. 50.*

Clients used to wait on their patrons at their houses early in the morning, to pay their respects to them, (*salutare*), *Martial. ii. 18. 3. iii. 36. iv. 8.*; *Juvenal. v. 19.* and sometimes to attend them through the day where-ever they went, dressed in a white *toga*, *Martial. i. 56. 13.*; hence called *ANTEAMBULONES*, *Id. iii. 7. NIVEI QUIRITES*; and from their number, *TURBA TÓGATA, et PRÆCEDENTIA LONGI AGMINIS OFFICIA*, *Juv. x. 44.* On which account, on solemn occasions they were invited to supper, *Juv. v. 24.*; *Suet. Claud. 21.* and plentifully entertained in the hall. This was called *COENA RECTA*, i. e. *justa et solemnis, adeoque lauta et opipära*, a formal, plentiful supper; hence *convivari rectâ*, sc. *cenâ*, *Suet. Aug. 74.*; *rectè et dapsilè*, i. e. *abundanter*, to keep a good table, *Id. Vesp. 19.* So *Vivere rectè, vel cum recto apparatu*, *Senec. Epist. 110. 122.*

But upon the increase of luxury, it became customary under the emperors, instead of a supper, to give each, at least of the poorer clients, a certain portion or dole of meat to carry home in a pannier or small basket, (*SPORTULA*); which likewise being found inconvenient, money was given in place of it, called also *SPORTULA*, to the amount generally of 100 *quadrantes*, i. e. about 1 s. 7 d. to each, *Juv. i. 95. 120.*; *Martial. i. 60. iii. 7. xi. 75.*; sometimes to persons of rank, to women as well as men, *Ibid.*

SPORTULÆ, or pecuniary donations instead of suppers, were established by Nero, *Suet. Ner. 16.* but

abolished by Domitian, and the custom of formal suppers restored, *Suet. Domit. 7.*

The ordinary drink of the Romans at feasts was wine, which they mixed with water, and sometimes with aromatics or spices, *Juvenal. vi. 302.* They used water either cold or hot, *Id. v. 63.*; *Martial. viii. 67. 7. i. 12. xiv. 105.*; *Plaut. Curc. ii. 3. 13.*; *et Mil. iii. 2. 22.*

A place where wine was sold (*taberna vinaria*) was called OENOPOLIUM; where mulled wines and hot drinks were sold, THERMOPOLIUM, *Plaut. ibid. et Rud. ii. 6. 43.*; *Pseud. ii. 4. 52.*

Wine anciently was very rare. It was used chiefly in the worship of the gods. Young men below thirty, and women all their lifetime, were forbidden to drink it, unless at sacrifices, *Val. Max. ii. 1. 5. vi. 3.*; *Gell. x. 23.* But afterwards when wine became more plentiful, these restrictions were removed.

Vineyards came to be so much cultivated, that it appeared agriculture was thereby neglected; on which account, Domitian by an edict prohibited any new vineyards to be planted in Italy, and ordered at least the one half to be cut down in the provinces, *Suet. Dom. 7.* But this edict was soon after abrogated, *Id. 14.*

The Romans reared their vines by fastening them to certain trees, as the poplar and the elm; whence these trees were said to be married (*maritari*) to the vines, *Horat. Epod. ii. 10.* and the vines to them, (*duci ad arbores viduas, i. e. vitibus tanquam uxoribus per civilia bella privatas*), *Id. Od. iv. 5. 30.*; and the plane tree to which they were not joined, is elegantly called CÆLENS, *Id. ii. 15. 4.*

Wine was made anciently much in the same manner as it is now. The grapes were picked (*decerpebantur*) in baskets, (*quali, quasilli, fisci, fiscinae, vel fiscellae*), made of osier, and stamped. (*calcabantur*). The juice was squeezed out by a machine called TORCULUM, -ar, -are, vel -arium, or PRELUM, a press; *Torcular* was properly the whole machine, and *prelum*, the beam which pressed the grapes, (*trabs qua uva premitur*),
Serv.

Sero. in Vieg. G. ii. 242. ; Vitruv. vi. 9. The juice was made to pass (*transmittebatur*) through a strainer, (*SACCUS vel COLUM*), *Martial. xii. 61. 3. xiv. 104.* and received into a large vat or tub, (*LACUS*), *Ovid. Fast. iv. 888. ; Plin. Epist. ix. 20.* or put into a large cask, (*DOLIUM, Cupa, vel Seria*), made of wood or potter's earth, until the fermentation was over, (*donec deferbuerit*): Hence *VINUM DOLIARE*, *Plaut. Pseud. ii. 2. 64.* The liquid which came out without pressing, was called *Protrōpum*, or *mustum lixivium*, *Plin. xiv. 9. ; Columel. xii. 41.*

The must or new wine (*MUSTUM*) was refined, (*defecabatur*), by mixing with it the yolks of pigeons eggs, *Horat. Sat. ii. 4. 56.*; the white of eggs is now used for that purpose. Then it was poured (*diffusum*) into smaller vessels or casks, (*amphoræ vel cadi*), made usually of earth; hence called *TESTÆ*, *Horat. Od. iii. 21. 4.* covered over with pitch or chalk, (*oblita vel picata et gypsata*), and bunged or stopped up, (*obturata*); hence *relinere vel delinere dolium, vel cadum*, to open, to pierce, *Terent. Heaut. iii. 1. 51.* Wine was also kept in leathern bags, (*UTRES*), *Plin. xxviii. 18.*

On each cask was marked the name of the consuls, or the year when it was made, *Horat. Od. i. 20. iii. 8. 12. & 28. 8. ; Ep. i. 5. 4. ; Tibull. ii. 1.* and the oldest was always put farthest back in the cellar; hence *Interiore nota Falerni*, with a cup of old Falernian wine, *Horat. Od. ii. 3. ; Vertere cadum*, to empty, to drink, *Id. iii. 29. 2.*

Sometimes wine was ripened, by being placed in the smoke above a fire, *Id. Od. iii. 8. 11. ; Martial. iii. 81. x. 36.* or in an upper part of the house, (*in horreo vel apotheca editiore*); whence it was said *descendere*, *Horat. Od. iii. 21. 7.* Often it was kept to a great age, *Id. Od. iii. 14. 18. ; Cic. Brut. 286. ; Plin. xiv. 4. ; Juvenal. v. 33. ; Pers. iv. 29.*

Wines were distinguished chiefly from the places where they were produced; in Italy the most remarkable were *Vinum FALERNUM, Massicum, Calenum, Cæcubum*,

lunum, *Albanum*, *Setinum*, *Surrentinum*, &c. Foreign wines, *Chium*, *Lesbium*, *Leucadium*, *Coum*, *Rhodium*, *Naxium*, *Mamertinum*, *Thasium*, *Mæonium* vel *Lydium*, *Mareoticum*, &c. Also from its colour or age, *Vinum album*, *nigrum*, *rubrum*, &c. *Vetus*, *novum*, *recens*, *horminum*, of the present year's growth; *trimum*, three year old; *molle*, *lene*, *vetustate edentulum*, mellow; *asperum* vel *austerum*, harsh; *merum* vel *meracum*, pure, unmixed; *meracius*, i. e. *fortius*, strong, *Cic. Nat. D.* iii. 31.

The wine was brought in to the guests in earthen vases (*AMPHORÆ* vel *Testæ*) with handles, (*ansatæ*), or in big-bellied jugs or bottles (*AMPULLÆ*) of glass, (*vitreæ*), leather, (*coriaceæ*), or earth, (*figlinæ*), *Plin. Epist.* iv. 30.; *Suet. Domit.* 21.; *Martial.* vi. 35. 3. xiv. 110. on each of which were affixed labels or small slips of parchment, (*TITULI* vel *PITTACIA*, i. e. *schedula e membrana excisæ*, vel *tabellæ*), giving a short description of the quality and age of the wine; thus, *FALERNUM OPPIMIANUM ANNORUM CENTUM*, *Petron.* 34.; *Juvenal.* v. 34.

The wine was mixed (*miscbatur* vel *temperabatur*) with water in a large vase or bowl, called *CRATER*, v. *ēra*, whence it was poured into cups, (*POCULA*), *Ovid. Fast.* v. 522.

Cups were called by different names; *Calices*, *phiale*, *pateræ*, *canthari*, *carchesia*, *ciboria*, *scyphi*, *cymbia*, *scaphia*, *batiolæ*, &c. and made of various materials; of wood, as beech, *fagina*, sc. *pocula*, *Virg. Ecl.* iii. 37.; of earth, *figilia*; of glass, *VITREÆ*, *Martial.* i. 38.; *Juvenal.* ii. 95. which when broken used to be exchanged for brimstone-matches, (*sulphurata ramenta*), *Martial.* i. 42. 4. x. 3.; *Juvenal.* v. 49.; of amber, *succina*, *Id.* ix. 50.; of brass, silver, and gold, sometimes beautifully engraved; hence called *TOREUMATA*, i. e. *vasa sculpta vel calata*, *Cic. Verr.* iv. 18. ii. 52.; *Pis.* 27. or adorned with figures (*signa* vel *figilla*) affixed to them, called *CRUSTÆ* or *EMBLEMATA*, *Cic. Verr.* iv. 23.; *Juvenal.* i. 76.; *Martial.* viii. 51. 9. which might be put on and taken off at pleasure, (*exemptilia*), *Cic. ibid.*

22. & 24. or with gems sometimes taken off the fingers for that purpose, *Juvenal.* v. 41.; hence called CALICES GEMMATI vel AURUM GEMMATUM, *Martial.* xiv. 109.

Cups were also made of precious stones, *Virg. G.* ii. 506.; of crystal, *Senec. de Ira*, iii. 40.; of amethyst and *murra* or porcelain, (*pocula murrina*), *Martial.* ix. 60. 13. x. 49.; *Plin.* xxxvii. 2. &c.

Cups were of various forms; some had handles, (*ANSÆ vel NASI*), *Virg. Ecl.* vi. 17.; *Juvenal.* v. 47.; hence called CALICES PTERATI, i. e. *alati vel ansati*, *Plin.* xxxvi. 26. Some had none.

There were slaves, usually beautiful boys, (*pueri eximia facie*, *Gell.* xv. 12.) who waited to mix the wine with water, and serve it up; for which purpose they used a small goblet, called CYATHUS, to measure it, *Plaut. Pers.* v. 2. 16. containing the twelfth part of a *sextarius*, nearly a quart English: Hence the cups were named from the parts of the Roman AS, according to the number of *cyathi* which they contained; thus, *SEXTANS*, a cup which contained two *cyathi*; *TRIENS* vel *Triental*, three; *QUADRANS*, four, &c. *Suet. Aug.* 77.; *Martial.* viii. 51. 24. ix. 95. xi. 37.; *Pers.* iii. 100. And those who served with wine, were said *AD CYATHOS STARE*, *Suet. Jul.* 49. or *CYATHISSARE*, *Plaut. Mens.* ii. 2. 28.

They also used a less measure for filling wine and other liquors, called *LIGULA* or *Lingula*, and *COCHLEARE*, vel *-ar*, a spoon, the fourth part of a *cyathus*, *Martial.* v. 20. viii. 33. 23. xiv. 121.

The wine was sometimes cooled with snow by means of a strainer, *COLUM NIVARIUM*, *Martial.* xiv. 103. vel *SACCUS NIVARIUS*, *Id.* 104.

The Romans commonly drank in honour of some friend or mistress, *Horat. Od.* i. 27. 9. and used to take as many *cyathi* as there were letters in the name, *Tibull.* ii. 1. 31.; *Martial.* i. 72. or as they wished years to them; hence they were said, *Ad numerum bibere*, *Ovid. Fast.* iii. 531. A frequent number was three in honour
of

of the Graces, or nine, of the Muses, *Horat. Od. iii. 19. 11.*; *Auson. Eidyll. xi. 1.* The Greeks drank first in honour of the gods, and then of their friends; hence GRÆCO MORE BIBERE, *Cic. Verr. i. 26.*; *et ibi Ascon.* They began with small cups, and ended with larger, *Ibid.*

They used to name the person to whom they handed the cup; thus, PROPINO TIBI, &c. *Cic. Tusc. i. 40.*; *Plaut. Stich. v. 4. 26 & 30.*; *Ter. Eun. v. 9. 57.*; *Virg. Æn. i. 728.*; *Martial. i. 69. vi. 44.*; *Juvenal. v. 127.*

The ancients sometimes crowned their cups with flowers, *Virg. Æn. iii. 525.*; *Tibull. ii. 5. 97.* But *coronare cratera, vel vina, i. e. pocula,* signifies also to fill with wine, *Virg. G. ii. 528.*; *Æn. i. 724. vii. 147.*

The ancients at their feasts appointed a person to preside, by throwing the dice, whom they called ARBITER BIBENDI, *Magister vel Rex convivii, modiperator vel modimperator, (σοφροσιάρχης), dictator, dux, &c.* He directed every thing at pleasure, *Horat. Od. i. 4. 18. ii. 7. 25.*; *Cic. Sen. 14.*

When no director of the feast was appointed, they were said *Culpâ potare magistrâ,* to drink as much as they pleased, (*culpabatur ille qui multum biberet, excess only was blamed*), *Horat. Sat. ii. 2. 123.*

Some read *cuppa vel cupa,* but improperly, for *cupa* signifies either a large cask or tun, which received the must from the wine-press; or is put for *copa vel caupa,* a woman who kept a tavern, (*quæ cauponam vel tabernam exerceret*), *Suet. Ner. 27.* or for the tavern itself; whence it was thought mean for a person to be supplied with wine, or from a retailer, (*de propola vel propala*), *Cic. Pis. 27.*; *Suet. Claud. 40.*

During the intervals of drinking they often played at dice, (ALEA), *Plaut. Curc. ii. 3. 75.* of which there were two kinds, the *tesseræ* and *tali*, *Cic. Sen. 16.*

The TESSERÆ had six sides, marked 1, 2, 3, 4, 5, 6, like our dice: The TALI had four sides longwise, for the two ends were not regarded. On one side was

was marked one point, (*unio*, an ace), called CANIS; on the opposite side six, (*senio*, sixe); on the two other sides, three and four, (*ternio et quaternio*). In playing they used three *tesseræ* and four *tali*. They were put into a box made in the form of a small tower, strait-necked, wider below than above, and fluted in ringlets, (*intus gradus excisos habens*), called FRITILLUS, *pyrgus*, *turris*, *turricula*, *phimus*, *orca*, &c. and being shaken, were thrown out upon the gaming-board or table, (*FORUS*, *alveus*, vel *tabula lusoria* aut *aleatoria*). The highest or most fortunate throw, (*jactus, bolus vel manus*), called VENUS, or JACTUS VENEREUS, vel BASILICUS, was, of the *tesseræ*, three sixes; of the *tali*, when all of them came out different numbers. The worst or lowest throw, (*jactus pessimus vel damnosus*), called CANES vel *Canicula*, was, of the *tesseræ*, three aces; of the *tali*, when they were all the same. The other throws were valued from their numbers, *Cic. Divin.* i. 13. ii. 21.; *Suet. Aug.* 71.; *Ovid. Art. Am.* ii. 203.; *Trist.* ii. 474.; *Propert.* iv. 8. 46.; *Plaut. Asin.* v. 2. 65.; *Hor. Sat.* ii. 7. 17.; *Perf. Sat.* iii. 49.; *Martial.* xiv. 14. &c. When any one of the *tali* fell on the end, (*in caput*), it was said *rectus cadere vel assistere*, *Cic. Fin.* iii. 16. and the throw was to be repeated. The throw called *Venus* determined the direction of the feast, (*Archiposia*, in *compotatione principatus*, vel *Regnum vini*, *Horat. Od.* i. 4. 18.).

They also played at odds or evens, (*PAR IMPAR ludabant*), *Suet. Aug.* 71. and at a game called DUODECIM SCRIPTA, vel *Scriptula*, or *bis sena puncta*, *Cic. Orat.* i. 50.; *Non. Marcell.* ii. 781.; *Quintil.* xi. 2.; *Martial.* xiv. 17. on a square table (*tabula* vel *alveus*), divided by twelve lines, (*lineæ* vel *scripta*), on which were placed counters, (*CALCULI*, *Latrones* vel *Latrunculi*), of different colours. The counters were moved (*promovebantur*) according to throws (*boli* vel *jactus*) of the dice, as with us at *gammon*. The lines were intersected by a transverse line, called LINEA SACRA, which they did not pass without being forced to it.

When

When the counters had got to the last line, they were said to be *inciti* vel *immoti*, and the player *ad incitas* vel *-a redactus*, reduced to extremity, *Plaut. Pæn.* iv. 2. 86. In this game there was room both for chance and art, *Ter. Ad.* iv. 7. 21.; *Ovid. Art. Am.* ii. 203. iii. 363.; *Auson. Prof.* i. 25.; *Martial.* vii. 71. xiv. 20.

Some exclude the *tali* and *tessera* from this game, and make it the same with *chess* among us. Perhaps it was played both ways. C. Julius was playing at this game, when summoned to execution under Caligula, *Senec. Tranq. An.* 14.

All games of chance were called ALEA, and forbidden by the *Cornelian*, *Publician*, and *Titian* laws, *Horat. Od.* iii. 24. 58. except in the month of December, *Martial.* iv. 14. 7. These laws however were not strictly observed. Old men were particularly fond of such games, as not requiring bodily exertion, *Cic. Sen.* 16.; *Suet. Aug.* 71.; *Juvenal.* xiv. 4.

The character of gamesters (ALEATORES vel *aleones*) was held infamous, *Cic. Cat.* ii. 10.; *Phil.* ii. 27.

The Romans ended their repasts in the same manner they began them, by libations and prayers. The guests drank to the health of their host, and, under the Cæsars, to that of the emperor. When about to go away, they sometimes demanded a parting cup, in honour of Mercury, that he might grant them a sound sleep, *Martial. Delphini*, i. 72.

The master of the house (*herus, dominus, parochus, cene magister, convivator*, *Horat. Sat.* ii. 8.; *Martial.* xii. 48.; *Gell.* xiii. 11.) used to give the guests certain presents at their departure, called *Apophurēta*, *Suet. Aug.* 75.; *Cal.* 55.; *Vesp.* 19.; *Martial.* xiv. 1.; *Petron.* 60. or XENIA, which were sometimes sent to them, *Plin. Epist.* vi. 31.; *Vitruv.* vi. 10.; *Martial.* xiii. 3.

RITES

ROMAN RITES of MARRIAGE.

A legal marriage (*justum matrimonium*) among the Romans, was made in three different ways, called *usus*, *confarreatio*, and *coemptio*.

1. *USUS*, usage or prescription, was when a woman, with the consent of her parents or guardians, lived with a man for a whole year, (*matrimonii causâ*), without being absent three nights; and thus became his lawful wife or property by prescription, (*usu capta fuit*). Gell. iii. 2. If absent for three nights, (*trinoctium*), she was said *esse usurpata*, or *isse usurpatum*, *sc. suum jus*, to have interrupted the prescription, and thus prevented a marriage; *Usurpatio est enim usucapionis interruptio*, Gell. iii. 2. D. 41. 3. 2. See p. 54.

2. *CONFARREATIO* was, when a man and woman were joined in marriage by the *Pontifex Maximus*, or *Flamen Dialis*, in presence of at least ten witnesses, by a set form of words, and by tasting a cake made of salt, water, and flour, called *FAR*, or *PANIS FARREUS*, vel *Farreum libum*; which was offered with a sheep in sacrifice to the gods, *Serv. ad Virg. G. l. 31.*; *Æn. iv. 104.*; *Plin. xviii. 2.*

This was the most solemn form of marriage, and could only be dissolved by another kind of sacrifice, called *DIFFARREATIO*, *Festus*. By it, a woman was said to come into the possession or power of her husband, by the sacred laws, (*κατὰ νόμους ἱερὰς ἀνδρὶ συνδίδω, in manum i. e. potestatem viri convenire.*) She thus became partner of all his substance and sacred rites; those of the *Pe-*

nates as well as of the *Lares*, (See p. 290.) If he died intestate, and without children, she inherited his whole fortune as a daughter. If he left children, she had an equal share with them. If she committed a fault, the husband judged of it in company with her relations, and punished her at pleasure, *Dionys.* ii. 25.; *Plin.* xiv. 13.; *Suet. Tib.* 35.; *Tacit. Ann.* xiii. 32. The punishment of women publicly condemned, was sometimes also left to their relations, *Liv.* xxxix. 18.; *Val. Max.* vi. 3. 7.

The children of this kind of marriage were called *PATRIMI* et *MATRIMI*, *Serv. ibid.* often employed for particular purposes in sacred solemnities, *Liv.* xxxvii. 3.; *Cic. Resp. Har.* 11.; *Tacit. Hist.* iv. 53. Certain priests were chosen only from among them; as the *Flamen* of Jupiter, *Tacit. Annal.* iv. 16.; and the Vestal Virgins, *Gell.* i. 12. According to *Festus*, those were so called, whose parents were both alive: If only the father was alive, *Patrimi*, vel -es; if only the mother, *matrimi*, vel -es. Hence *Minerva* is called *PATRIMA VIRGO*, *Catull.* i. 9. because she had no mother; and a man who had children, while his own father was alive, *PATER PATRIMUS*, *Festus*.

This ceremony of marriage in latter times fell much into disuse, *Tacit. Annal.* iv. 16. Hence Cicero mentions only two kinds of marriage, *Usus* and *COEMPTIO*, *pro Flacc.* 34.

3. *COEMPTIO* was a kind of mutual purchase, (*emptio venditio*,) when a man and woman were married, by delivering to one another a small piece of money, and repeating certain words, *Cic. Orat.* i. 57. The man asked the woman, If she was willing to be the mistress of his family, *AN SIBI MATER FAMILIAS ESSE VELLE?* She answered, That she was, *SE VELLE*. In the same manner, the woman asked the man, and he made a similar answer, *Boeth. in Cic. Topic.* 3.

The effects of this rite were the same as of the former. The woman was to the husband in the place of a daughter; and he to her as a father, *Serv. in Virg. G.* 1.

31. She assumed his name, together with her own; as, *Antonia Drusi, Domitia Bibuli, &c.* She resigned to him all her goods, *Ter. Andr. i. 5.*; *Cic. Top. iv.*; and acknowledged him as her lord and master (*DOMINUS*,) *Virg. Æn. iv. 214.* The goods which a woman brought to her husband, besides her portion, were called *PARAPHERNA*, *-orum*, or *bona paraphernalia*.

Some think that *coemptio* was used as an accessory rite to *confarreatio*, and retained when the primary rite was dropt; from *Cic. Flacc. 34.*

The rite of purchase in marriage was not peculiar to the Romans; but prevailed also among other nations; as the Hebrews, *Gen. xxix. 18.*; *1 Sam. xviii. 25.*; the Thracians, *Xenoph. Anab. vii.*; *Herodot. Terpsich. init.*; the Greeks, *Eurip. Med. 232.*; the Germans, *Tacit. de mor. G. 18. &c.*

Some say, that a yoke (*jugum*,) used anciently to be put on a man and woman about to be married; whence they were called *CONJUGES*, *Serv. in Virg. Æn. iv. 16.* But others think this expression merely metaphorical; as, *Horat. Od. ii. 5.*; *Plaut. Curc. i. 1. 50.*

A matrimonial union betwixt slaves was called *CON-TUBERNIUM*; the slaves themselves *CONTUBERNALLES*, (*See p. 46.*); or when a free man lived with a woman not married, (*CONCUBINATUS*,) *Suet. Vesp. 3.*; in which case, the woman was called *CONCUBINA*, *Cic. de Orat. i. 40*; *PELLACA*, *Suet. Vesp. 21.*; or *PELLEX*, *que proprie fuit ejus, qui uxorem haberet*, *Festus*; *Gell. iv. 3.*; thus, *PELLEX REGINÆ*, *Suet. Caf. 49.*; *FILIÆ*, *Cic. Cluent. 70.*; *Juvenal. ii. 57.*; *SORORIS*, *Ovid. Met. vi. 537. Epist. ix. 132.*

Married women were called *MATRONÆ*, or *matres familias*, *Gell. xviii. 6.* opposed to *meretrices, prostituta, scorta, &c.*

There could be no just or legal marriage (*NUP-TIÆ*, *justum matrimonium, connubium, conjugium, vel consortium*, i. e. *eadem fortuna aut conditio*, for better, for worse,) unless betwixt Roman citizens; *NON ERAT*

CUM EXTERNO CONNUBIUM, *Senec. Ben.* iv. 35. without a particular permission for that purpose, obtained first from the people or Senate, and afterwards from the Emperors, *Liv.* xxxviii. 36.; *Ulpian. Fragm.* v. 4. Anciently, a Roman citizen was not allowed even to marry a freed woman, *Liv.* xxxix. 19.; hence Antony is reproached by Cicero for having married Fulvia, the daughter of a freed man, *Plin.* ii. 2. iii. 6.; as he afterwards was detested at Rome for marrying *Cleopatra*, a foreigner, before he divorced Octavia; but this was not esteemed a legal marriage, *Plutarch. in Ant.*

By the *LEX PAPIA POPPÆA*, a greater freedom was allowed. Only senators and their sons and grandsons were forbidden to marry a freed-woman, an actress, or the daughter of an actor, *Dio.* 54. But it was not till Caracalla had granted the right of citizenship to the inhabitants of the whole empire, that Romans were permitted freely to intermarry with foreigners.

The Romans sometimes prohibited intermarriages betwixt neighbouring districts of the same country, *Liv.* viii. 14. ix. 43. xlv. 29.; and what is still more surprising, the States of Italy were not allowed to speak the Latin language in public, nor their criers to use it in auctions, without permission, *Liv.* xl. 42.

The children of a Roman citizen, whether man or woman, and a foreigner, were accounted spurious, and their condition little better than that of slaves, *Liv.* xliii. 3. They were called *HYBRIDÆ* or *Ibridæ*, vel *-des*, *Horat. Sat.* i. 7. 2.; *Suet. Aug.* 19. the general name of animals of a mixed breed, or produced by animals of a different species, *mongrels*, (*animalia ambigēna*, vel *bi-gēna*, *musimōnes*, *Umbri*, &c.;) as a mule, from a horse and an ass; a dog from a hound and a cur, (*canis ex venatico et gregario*,) *Plin.* viii. 5.; hence applied to those sprung from parents of different nations, *Hirt. de bell. Afr.* 19.; *Martial.* vi. 39. viii. 22.; and to words compounded from different languages.

The children of a lawful marriage were called *LEGITIMI*,

GITIMI; all others ILLEGITIMI. Of the latter, there were four kinds: NATURALES, *ex concubina*; SPURII, *ex meretrice vel scorto et incerto patre*; ADULTERINI et INCESTUOSI. There were certain degrees of consanguinity, within which marriage was prohibited; as betwixt a brother and sister; an uncle and niece, &c. Such connection was called INCESTUS, -us, vel -um, Suet. Cl. 26.; Ner. 5.; Tacit. Ann. xii. 4. 5. & 6. or with a Vestal Virgin, Suet. Domit. 8. These degrees were more or less extended, or contracted at different times, Plutarch. Rom. 6.; Tacit. Ann. xii. 6. 7.; Liv. xlii. 34.; Suet. Aug. 63.; Claud 26.

Polygamy, or a plurality of wives, was forbidden among the Romans, Suet. Jul. 52.; Cic. de Orat. i. 40.

The age of puberty or marriage was from fourteen for men; and twelve for girls, Festus.

No young man or woman was allowed to marry without the consent of their parents or guardians, Cic. Flacc. 35. Hence a father was said *spondere*, vel *despondere filiam aut filium*, Cic. Att. i. 3.; Ter. And. i. 1. 72.; Tacit. Agric. 9.; adding these words, *QUÆ RES RECTE VERTAT*; or *DII BENE VERTANT*, Plaut. Aul. ii. 2. 41. ii. 3. 4.

There was a meeting of friends, usually at the house of the woman's father, or nearest relation, to settle the articles of the marriage-contract, which was written on tables, and sealed, Juvenal. ii. 119. vi. 25. x. 356. This contract was called SPONSALIA, -orum, vel -ium, espousals; the man who was betrothed or affianced, SPONSUS; and the woman SPONSA, Gell. iv. 4.; Suet. Aug. 53.; Cl. 12. On this occasion, there was commonly a feast; and the man gave the woman a ring, (*annulus pronubus*;) by way of pledge, Juvenal. vi. 27.; which she put on her left hand, on the finger next the least; because it was believed, a nerve reached from thence to the heart, Macrobius. vii. 13.

Then also a day was fixed for the marriage, Ter. And. i. 1. 75. Certain days were reckoned unfortunate;

as the *Kalends*, *Nones*, and *Ides*, and the days which followed them, particularly the whole month of May, *MENSE MALUM MAJO NUBERE VULGUS AIT*, *Ovid Fast.* v. 490. ; and those days which were called *ATRI*, marked in the Kalendar with black; also certain festivals, as that of the *Salii*, *Parentalia*, &c. *Macrob. Sat.* i. 15. But widows might marry on those days, *Ibid.*

The most fortunate time was the month of June, *Ovid, Fast.* vi. 221.

If after the espousals, either of the parties wished to retract, (*Sponsalia dissolvere, infirmare, vel infringere*), which they expressed thus, *CONDITIO NE TUA NON UTOR*, it was called *REPUDIUM*. Hence *Repudiatu*s repetor, rejected, *Ter. And.* i. 5. 15. But we also find *Repudium alicui mittere, remittere, vel renunciare*, to divorce, *Ter. Phorm.* iv. 372. v. 7. 35. ; *Plaut. Aul.* iv. 10. 69. ; and *Repudiare*, *Suet. Cæs.* 1.

On the wedding-day, the bride was dressed in a long white robe, bordered with a purple fringe, or embroidered ribbons, (*segmenta et longi habitus*, *Juvenal.* ii. 124.) thought to be the same with *TUNICA RECTA*, *Plin.* viii. 48. ; bound with a girdle made of wool (*ZONA vel cingulum laneum*), tied in a knot, called *nodus Hercules*, which the husband untied (*solvebat*), *Ovid. Ep.* ii. 116. ; *Festus*. Her face was covered (*NUBEBATUR*), with a red or flame-coloured veil, (*luteum, FLAMMEUM, vel us*, to denote her modesty, *Lucan.* ii. 361. ; *Juvenal.* ii. 124. vi. 224. ; *et Schol. in loc.* x. 334. ; *Plin.* 21. 8. ; hence *NUBERE*, sc. *se viro*, to marry a husband; *dare*, vel *collocare filiam nuptum*, v. *nuptui*, i. e. *in matrimonium dare*, to marry a daughter, or dispose of her in marriage. Her hair was divided into six locks with the point of a spear, *Plut. in Romul. et quest.* 87. ; *Ovid. Fast.* ii. 560. ; and crowned with flowers, *Catull.* 59. 6. Her shoes were of the same colour with her veil, (*lutei socci*), *Catull.* 61. 9. ; *Plaut. Cas. prol.* 86. ; *Cic. Cluent.* 5. ; *Divin.* i. 16. ; *Liv.* xlii. 12. ; *Suet. Cl.* 26. ; *Tacit. Ann.* xi. 27. ; *Val. Max.* xi. 1.

No marriage was celebrated without consulting the auspices, *Juv.* x. 336. and offering sacrifices to the gods, especially to Juno, the goddess of marriage, *Virg. Æn.* iv. 59. Anciently a hog was sacrificed, *Varro R.* ii. 4. The gall of the victim was always taken out, and thrown away, to signify the removal of all bitterness from marriage, *Plutarch. præcep. conjug.* The marriage-ceremony was performed at the house of the bride's father, or nearest relation. In the evening, the bride was conducted (*DUCEBATUR* vel *deducebatur*) to her husband's house. She was taken apparently by force (*abripiebatur*) from the arms of her mother or nearest relation, in memory of the violence used to the Sabine women. Three boys, whose parents were alive, attended her; two of them, supporting her by the arm, and the third bearing a flambeau of pine or thorn before, (*Tæda pinea* vel *spinea*), *Festus.*; *Catull.* lxii. 15.; *Plin.* xvi. 18.; *Propert.* iv. 12. 46. There were five other torches carried before her, (called *FACÈS NUPTIALES*, *Cic. Cluent.* 6.; *MARITÆ*, *Ovid Ep.* xi. 101.; *LEGITIMÆ*, *Lucan.* ii. 356.); *Plutarch. quæst. Rom.* 2. Hence *TÆDA* is put for marriage, *Virg. Æn.* iv. 18.; *Ovid. Met.* iv. 60.

Maid-servants followed with a distaff, a spindle and wool; intimating, that she was to labour at spinning, as the Roman matrons did of old, *Plin.* viii. 48.; *Ovid. Fast.* ii. 741.; *Liv.* i. 57.; and some of the most illustrious in later times. Augustus is said to have seldom worn any thing but the manufacture of his wife, sister, daughter, and nieces, at least for his domestic robe, *Suet. Aug.* 73.

A boy named *CAMILLUS*, carried in a covered vase, called *CUMERUM*, vel *-a*, the bride's utensils, (*NUBENTIS UTENSILIA*), *Festus.*; and play-things for children, (*CREPUNDIA*), *Plaut. Cist.* iii. 1. 5.; *Rud.* iv. 4. 110.

A great number of relations and friends attended the nuptial procession, (*pompam nuptialem ducebant*), which was called *OFFICIUM*, *Juvenal.* ii. 132.; *Suet. Cal.* 25.; *Claud.* 26.; *Ner.* 28. Hence *DUCERE uxorem*, sc.
domum,

domum, to marry a wife. The boys repeated jests and raileries (*sales et convicia*) as she passed along, *Lucan. ii. 369.*; *Festus.*; *Catull. 61. 127.*

The door and door-posts of the bridegroom's house were adorned with leaves and flowers, and the rooms with tapestry, *Juvenal. vi. 226.*

When the bride came thither; being asked who she was; she answered, *UBI TU CAIUS, IBI EGO CAIA, i. e., Ubi tu Dominus et pater familias, ibi ego Domina et materfamilias.* A new married woman was called *CAIA*, from *Caia Cacilia*, or *Tanaquil*, the wife of *Tarquinius Priscus*, who is said to have been an excellent spinster (*lanifica*) and house-wife, *Cic. Mur. 12.*; *Quinctil. i. 7.*; *Festus.* Her distaff and spindle were kept in the temple of *Sangus* or *Hercules*, *Plin. viii. 48.*

The bride bound the door-posts of her husband with woollen fillets, *Lucan. ii. 355.*; *Serv. in Virg. Æn. iv. 458.*; and anointed (*ungebat*) them with the fat of swine or wolves, to avert fascination or enchantments; whence she was called *UXOR*, *quasi UNXOR*, *Serv. ibid.*; *Plin. xxviii. 9.*

She was lifted over the threshold, *Lucan. ibid.*; *Plutarch. in Romul. et quest. Rom. 29.*; or gently stepped over it, *Plaut. Cas. iv. 4. 1.* It was thought ominous to touch it with her feet, because the threshold was sacred to *Vesta*, the goddess of virgins, *Serv. in Virg. ecl. viii. 29.*

Upon her entry, the keys of the house were delivered to her, to denote her being entrusted with the management of the family, *Festus.* A sheep's skin was spread below her; intimating, that she was to work at the spinning of wool, *Plutarch. quest. Rom. 31.* Both she and her husband touched fire and water; because all things were supposed to be produced from these two elements, *Varro de L. L. iv. 10.*; *Ovid. Fast. iv. 792.*; with the water they bathed their feet; *Serv. in Virg. Æn. iv. 167.*

The husband, on this occasion, gave a feast (*CÆNA NUPTIALIS*) to his relations and friends, to those of
the

the bride and her attendants, *Plaut. Curc.* v. 2. 62.; *Suet. Cal.* 25.; *Juvenal.* vi. 201.

Musicians attended, who sang the nuptial song, (EPITHALAMIUM, HYMENÆUS vel -um, vel THALASSIO, *Martial.* iii. 93. 25.; *Catull.* 61.; *Ter. Adelph.* v. 7. 7. They often repeated, Io HYMEN HYMENÆE, *Plaut. Cas.* iv. 3.; and THALASSIO, *Martial.* i. 36. 6.; from *Hymen* the God of marriage among the Greeks; and *Thalassus* among the Romans, *ibid Martial.* xiii. 42. 5.; or from one *Talassius*, who lived in great happiness with his wife, *Festus.*; *Liv.* i. 9. as if to wish the new-married couple the like felicity, (or from *ταλασία*, *lanificium*, *Plutarch. in Romulo*). These words used also to be resounded by the attendants of the bride on the way to her husband's house, *Martial. ibid.*; *Ovid. Ep.* xii. 143.

After supper, the bride was conducted to her bed-chamber (in *thalamum*) by matrons, who had been married only to one husband, called *Pronuba*, *Festus*; and laid (*collocabatur*) in the nuptial couch, (*lectus genialis*), which was magnificently adorned, *Catull.* lxii. 46.; and placed in the hall, (in *atrio* vel *aula*, *Horat. Ep.* i. 1. 87.) opposite (*adversus*) to the door, and covered with flowers, *Cic. Cluent.* 5.; *Catull.* lxi. 181.; *Donat. in Ter.* *Eun.* iii. 5. 45.; *Juvenal.* x. 334.; *Tacit. Ann.* xv. 37.; *Propert.* iv. 11. 81.; *Gell.* xvi. 9.; sometimes in the garden, *Juvenal.* x. 334. If it had ever been used for that purpose before, the place of it was changed, *Propert.* iv. 12, 81. iv. 9. 59. There were images of certain divinities around, *SUBIGUS*, *PERTUNDA*, &c. *Arnob.* iv, *Augustin. de civ. Dei.* vi. 9. Nuptial songs were sung by young women before the door till midnight, *Ovid. Fast.* iii. 675. 695. hence called EPITHALAMIA. The husband scattered nuts among the boys, *Plin.* xv. 22.; *Serv. in Virg. eel.* viii. 30.; *Catull.* lxi. 137.; intimating, that he dropt boyish amusements, and thenceforth was to act as a man. Hence *nuces relinquere*, to leave trifles, and mind serious business, *Perf.* i. 10; or from boys playing with nuts in the time of the *Saturnalia*, *Suet. Aug.* 83.; *Martial.*

Martial. v. 85. xiv. 1. 12.; which at other times was forbidden, *ib.* 18. Young women, when they married, consecrated their play-things and dolls or babies (PUPÆ) to Venus, *Perf.* ii. 70. The guests were dismissed with small presents, (*Apophorēta*), *Martial.* xiv. 1.; *Juvenal.* vi. 203.

Next day another entertainment was given by the husband, called REPOTIA, *-orum*, *Festus.* *Horat. Sat.* ii. 2. 60. when presents were sent to the bride by her friends and relations; and she began to act as mistress of the family, by performing sacred rites, *Macrob. Sat.* i. 15.

A woman after marriage retained her former name; as, *Julia*, *Tullia*, *Octavia*, *Paulla*, *Valeria*, &c. joined to that of her husband; as, *Julia Pompeii*, *Terentia Ciceronis*, *Livia Augusti*, &c.

Divorce, (DIVORTIUM), or a right to dissolve the marriage, was by the law of Romulus permitted to the husband, but not to the wife, *Plutarch. in Rom.*; as by the Jewish law, *Deuter.* 24.; not however without a just cause, *Festus in SONTICUM*. A groundless or unjust divorce was punished with the loss of effects; of which one half fell to the wife, and the other was consecrated to Ceres, *Plutarch. Ibid.*

A man might divorce his wife, if she had violated the conjugal faith, used poison to destroy his offspring, or brought upon him supposititious children; if she had counterfeited his private keys, or even drunk wine without his knowledge, *Plutarch. Ibid.*; *Gell.* x. 23.; *Plin.* xiv. 12. In these cases, the husband judged together with his wife's relations, *Dionys.* ii. 25. This law is supposed to have been copied into the twelve tables, *Cic. Phil.* ii. 28.

Although the laws allowed husbands the liberty of divorce, there was no instance of its being exercised for about 520 years. Sp. Carvelius Ruga was the first who divorced his wife, although fond of her, because she had no children, on account of the oath he had been forced

forced to take by the censors, in common with the other citizens, *uxorem se liberum querendorum gratia habiturum*, that he would marry to have children, *Gell. iv. 3.*; *Val. Max. ii. 1. 4.*; *Dionys. ii. 25.*

Afterwards divorces became very frequent; not only for important reasons, *Suet. Aug. 62.*; *Claud. 26.*; *Ner. 35.* but often for the most frivolous pretexts, *Val. Max. vi. 3. 11. & 12.*; *Plutarch. in L. Paulo et Ciceron. Juvenal. vi. 147.*

If the wife was guilty of infidelity, she forfeited her dowry, *Val. Max. viii. 2. 3.*; but if the divorce was made without any fault of hers, the dowry was restored to her. When the separation was voluntary on both sides, (*cum BONA GRATIA a se invicem discedebant*); she sometimes also retained the nuptial presents of her husband, *Ovid. de Rem. Am. 669.*

In the later ages of the Republic, the same liberty of divorce was exercised by the women as by the men. Some think that right was granted to them by the law of the twelve tables, in imitation of the Athenians, *Plutarch. in Alcibiade.* This, however, seems not to have been the case: For it appears, they did not enjoy it even in the time of Plautus, *Mercat. iv. 6.* Afterwards some women deserted their husbands so frequently and with so little shame, that Seneca says, they reckoned their years not from the number of Consuls, but of husbands, *de benef. iii. 16.* So *Juvenal. Fiunt octo mariti quinque per autumnos, vi. 228.*; *Martial vi. 7.*; often without any just cause, *Cic. Fam. viii. 7.* But a freed-woman, if married to her patron, was not permitted to divorce him, (*ei repudium mittere.*)

Augustus is said to have restricted this licence of BONA GRATIA divorces, as they were called, *Suet. Aug. 34.* and likewise Domitian. They still however prevailed, although the women who made them were by no means respectable, *Quæ nubit toties, non nubit, adultera lege est, Martial. vi. 7.*

The man was said ἀπαίειν, *dimittere uxorem*; and the woman ἀπολείπειν *relinquere vel deferere virum*: both,
Facere

Facere divortium cum uxore vel viro, a viro, vel ab uxore, Cic. Fam. viii. 7.; D. 24. 3. 34.

A divorce anciently was made with different ceremonies, according to the manner in which the marriage had been celebrated.

A marriage contracted by *confarreatio*, was dissolved by a sacrifice called *DIFFARREATIO*, *Festus*.; which was still in use in the time of Plutarch, when a separation (*discidium*) took place betwixt the *Flamen* of Jupiter, and his wife, (*Flaminica*), *Quæst. Rom.*

A marriage contracted by *coemptio*, was dissolved by a kind of *release*, called *REMANCIPATIO*, *Id.* In this manner, Cato is supposed to have voluntarily given away his wife Marcia to Hortensius, *Plutarch. in Cat.*; and Tiberius Nero, his wife Livia to Augustus, even when big with child, *Tacit. Ann. v. 1.*; *Diq. 48.*

In later times, a divorce was made with fewer ceremonies; in presence of seven witnesses, the marriage-contract was torn, (*Tabula nuptiales vel dotales frangebantur*), *Tacit. Ann. xi. 30.*; *Juvenal. ix. 75.*; the keys were taken from the wife, (*claves adimebantur*), *Cic. Phil. ii. 28.*; then certain words were pronounced by a freed-man, *RES TUAS TIBI HABE VEL PETO; TUAS RES TIBI AGITO; EXI, EXI OCYUS; VADE FORAS; I FORAS, MULIER,* *Plaut. Casin. ii. 2. 35.*; *Cic. de Orat. i. 40.*; *Plaut. Amph. iii. 2. 47.*; *Juvenal. vi. 145.*; *Martial. x. 41. xi. 105. l. 2. & 9. D. de divort.* Hence *Exigere foras, vel ejicere*, to divorce, *Cic. Phil. ii. 28.*

If the husband was absent, he sent his wife a bill of divorce, (*nuncium remittebat*), *Cic. Att. i. 10.* on which similar words were inscribed. This was called *matri-monii RENUNCIATIO*.

If the divorce was made without the fault of the wife, her whole portion was restored to her; sometimes all at once, but usually by three different payments, *Cic. Att. xi. 4. 23. 25.*

There was sometimes an action, (*ACTIO MALÆ TRACTATIONIS*), to determine by whose fault the divorce was

was made, *Cic. Top.* 4.; *Quintil.* vii. 3.; *declam.* viii. 18. 383.

Divorces were recorded in the public registers, (*acta*), *Cic. Fam.* viii. 7.; *Senec. de benef.*; as marriages, *Juvenal.* ii. 136.; births, *Id.* ix. 83.; and funerals, *Suet. Ner.* 39.

Widows were obliged to wear mourning for their husbands at least ten months, *Senec. Epist.* 65.; and if they married within that time, they were held infamous, *L. 2. C. de secund. nupt.*; but men were under no such restriction.

M. Antoninus the philosopher, after the death of his wife Faustina, lived with a concubine, (*ne tot liberis super duceret novercam*), that he might not bring in a step-mother on his children, *Capitolin. in vita ejus. fin.*

Second marriages in women were not esteemed honourable; and those who had been married but to one husband, or who remained in widowhood, were held in particular respect: Hence UNIVIRA is often found in ancient inscriptions, as an epithet of honour. So UNI NUPTA, *Propert.* iv. ult.

ROMAN FUNERALS.

The Romans paid the greatest attention to funeral rites, because they believed that the souls of the unburied, were not admitted into the abodes of the dead; or at least wandered an hundred years along the river Styx, before they were allowed to cross it; for which reason, if the bodies of their friends could not be found, they erected to them an empty tomb, (*TUMULUS INANIS*, *νεκροταφιον*, *Cenotaphium*), *Virg. Æn.* iii. 301. vi. 326, 505.; and if they happened to see a dead body, they always threw some earth upon it, *Ibid* 365.; *Horat. Od.* i. 28.

23. & 36.; and whoever neglected to do so, was obliged to expiate his crime, by sacrificing a hog to Ceres, *Festus in PRÆCIDANEA AGNA*: Hence no kind of death was so much dreaded as shipwreck, *Ovid. Trist. i. 2. 51.*

When persons were at the point of death, their nearest relation present endeavoured to catch their last breath with their mouth, (*extremum spiritum ore excipere*), *Cic. Verr. v. 45.*; *Virg. Æn. vi. 684.*; for they believed that the soul or living principle (ANIMA) then went out at the mouth: Hence the soul of an old person (*anima senilis*) was said *in primis labris esse*, *Senec. ep. 30.*; or *in ore primo teneri*, *Id. Herc. fur. 1310*; so ANIMAM agere, to be in the agony of death, *Liv. xxvi. 14.*; *Cic. Fam. viii. 13.*; *Tusc. i. 9.*; *Senec. ep. 101.* Animam dare, efflare, exhalare, expirare, effundere, &c. to die.

They now also pulled off their rings, *Suet. Tib. 73*; *Plin. xxxi. 1.* which seem to have been put on again, before they were placed on the funeral pile, *Propert. iv. 7. 9.*

The nearest relation closed the eyes and mouth of the deceased, *Virg. ix. 487.*; *Ovid. ep. ii. 102. x. 120*, probably to make them look less ghastly, *Suet. Ner. 49.* The eyes were afterwards opened on the funeral pile, *Plin. xi. 37. f. 55.* When the eyes were closed, they called (*inclamabant*) upon the deceased by name several times at intervals, *Ovid. Trist. iii. 3. 43.*; repeating AVE OR VALF, *Catull. xcix. 10.*; *Ovid. Met. x. 62.*; *Fast. iv. 852.*; whence *corpora nondum conclamata*, just expiring, *Lucan. ii. 23.* and those who had given up their friends for lost, or supposed them dead, were said *eos conclamavisse*, *Liv. iv. 40.*; so when a thing was quite desperate, CONCLAMATUM EST, all is over, *Ter. Eun. ii. 3. 56.*

The corpse was then laid on the ground, *Ovid. Trist. iii. 3. 40.*: Hence DEPOSITUS; for *in ultimo positus, desperatæ salutis*, desperate, dying, past hopes of recovery, *Id. ex Pont. ii. 2. 47.*; *Virg. Æn. xii. 395*; *Cic. Verr. i. 2.*; or from the ancient custom of placing sick persons

persons at the gate, to see if any that passed had ever been ill of the same disease, and what had cured them, *Serv. in Virg.* Hence *DEPONERE aliquem vino*, to intoxicate, *Plaut. Aul. iii. 6. 39. Positi artus*, dead, *Ovid. Her. x. 122.*

The corpse was next bathed with warm water, and anointed with perfumes, *Virg. Æn. vi. 219. ; Ovid. ibid. ; Plin. epist. v. 16.* by slaves called *POLLINCTORES*, (*quasi pellis unctores*), *Plaut. Asin. v. 2. 60 ; Pen. prol. 63.* belonging to those who took care of funerals, (*LIBITINARII*), *Senec. de benef. vi. 38.* and had the charge of the temple of *Venus Libitina*, where the things requisite for funerals (*necessaria funeribus*) were sold, *Plutarch. Rom. quest. R. 23. ; Liv. xli 21.*

In this temple was kept an account (*ratio vel ephemeris*) of those who died, *Suet. Ner. 39. ;* for each of whom a certain coin was paid, *Dionys. iv. ;* hence *Autumnusque gravis, Libitinæ questus acerba*, *Horat. Sat. ii. 6. 19.*

The money paid for the liberty of burial and other expences, was called *ARBITRIUM*, oftener plur -a, *Cic. post red. in Sen. 7. ; Dom. 37. ; Pis. 9 ;* so *arbitrium vendendi salis*, the monopoly of salt, *Liv. ii. 9.*

The body was then dressed in the best robe which the deceased had worn when alive, *Virg. Æn. ix. 488.* Ordinary citizens in a white *toga*, *Juvenal. iii. 172.* Magistrates in their *prætecta*, &c. and laid (*componebatur*) on a couch in the vestibule, (*locus vacuus ante januam domus, per quem a via ad ades itur*, *Gell. xvi. 5.*) ; with the feet outwards, as if about to take its last departure, *Ovid. Met. ix. 502. ; Tacit. Agric. 45. ; Senec. ep. 12. ; brev. vit. 20. ; Pers. iii. 104.* Hence *componere*, to bury, *Horat. Sat. 1. 9. 28. ; Ovid. Fast. iii. 547. ; v. 426 ; Tacit. Hist. i. 47.* Then a lamentation was made: Hence *Sic positum affati discedite corpus*, *Virg. Æn. ii. 644.* The couch was sometimes decked with leaves and flowers, *Virg. Æn. xi. 66. ; Dionys. xi.* the bedstead of ivory, *Prop. ii. 10. 21.* If the deceased had received a crown for his bravery, it was

now placed on his head, *Cic. de legg. ii. 24. ; Plin. xxi. 3.* A small coin *triens* vel *obolus* was put in his mouth, which he might give to Charon, (*Portitor*, vel *Porti-meus*, the ferryman of hell) for his freight, *Juvenal. iij. 267.*

A branch of cypress was placed at the door of the deceased, at least if he was a person of consequence, *Lucan. iij. 442. ; Festus ; Horat. od. ii. 14. 23. ; Plin. xvi. 33.* to prevent the *Pontifex Maximus* from entering, and thereby being polluted, *Serv. ad Virg. Æn. iij. 64. iv. 507.* This tree was sacred to Pluto; because when once cut, it never grows again, called *atra*, *feralis*, *funerea*, vel *funebis*, from its being used at funerals, *Ibid.*

The Romans at first usually interred (*humabant*) their dead, which is the most ancient and most natural method, *Cic. de legg. ii. 22. ; Plin. vii. 54. ; Genes. iij. 19.* They early adopted the custom of burning (*cremandi*, vel *comburendi*) from the Greeks, *Plutarch. in Numa. ;* which is mentioned in the laws of Numa, and of the twelve tables, *Cic. ibid.* but did not become general, till towards the end of the republic.

Sylla was the first of the Patrician branch of the *Gens Cornelia* that was burnt; which he is supposed to have ordered, lest any one should dig up his body, and dissipate his remains, as he did those of Marius, *Cic. ibid.*

Under the Emperors, it became almost universal, *Tacit. Ann. xvi. 6. ;* but was afterwards gradually dropt upon the introduction of Christianity, so that it had fallen into disuse about the end of the fourth century, *Macrobi. vii. 7.*

Children before they got teeth, were not burnt, *Juvenal. xv. 140* but buried in a place called *SUGGRUNDARIUM*, *Fulgent. de prisce. serm. 7.* So likewise persons struck with lightning, (*fulguriti*) *Senec. de Ir. iij. 23. ; Qu. Nat. ii. 21.* were buried in the spot where they fell, called *BIDENTAL*, because it was consecrated by sacrificing sheep, (*bidentes*), *Pers. ii. 27. ; Lucan.*

Lucan. i. 606. viii. 864.; *Festus. Gell.* xvi. 6. It was enclosed with a wall, and no one was allowed to tread upon it, *Ibid.* To remove its bounds, (*movere bidental*), was esteemed sacrilege, *Horat. art.* p. 471.

The expressions, SEPELIRE, *Sepultura*, and *Sepulchrum*, are applied to every manner of disposing (*condendi*) of a dead body, *Plin.* 17. 54.; *Cic. Tusc.* i. 45. So also HUMARE, &c. *Cic. legg.* ii. 22.; *Nep. Eumen.* 13. JUSTA, *exsequia*, vel *funus*, funeral obsequies or solemnities: Hence JUSTA *funebria*, *justa funerum* vel *exequiarum*, et *justa funera*, *alicui facere*, *solvere*, vel *persolvere*, *Cic. Flacc.* 38.; *Legg.* 17.; *Liv.* i. 20.; *Sallust. Jug.* 11.; *Cæs. B. G.* vi. 17.; *Reddere justa funeri*; *Plin.* x. 2. But EXSEQUIÆ properly denotes the funeral procession, (*officium exsequiarum*, v. *pompa funebris*) Hence EXSEQUIAS *ducere*, *deducere*, *comitari*, *frequentare*, *prosequi*, &c.; to attend the funeral, *funeri interesse*, *Tacit. Ann.* ii. 32. xvi. 6. 7. 21.; *Suet. Tib.* 32.; *Ter. And.* i. 100.

Of funerals, there were chiefly two kinds, public and private.

The public funeral was called INDICTIVUM, (*ad quod per præconem homines evocabantur*), because people were invited to it by a herald, *Cic. dom.* 18. (See p. 174). Of this kind, the most remarkable were *Funus CENSORIUM*, *Tacit. Ann.* iv. 15. xiii. 2. including *funus consulare*, *prætorium*, *triumphale*, &c. *PUBLICUM*, when a person was buried at the public expence, *Tacit. Ann.* iii. 48. vi. 11.; *Suet. Vit.* 3.; and *COLLATIVUM*, by a public contribution, *Liv.* ii. 33.; *Val. Max.* iv. 4.; *Plutarch. in Poplic.*; (See p. 152).

A private funeral was called TACITUM, *Senec. de tranq.* 1.; *Ovid. Trist.* i. 3. 22.; *TRANSLATIVUM*, *Suet. Ner.* 33.; *PLEBEIUM*, *Propert.* ii. 10. 25.; *COMMUNE*; *Auson. Parent.* x. 5.; and *VULGARE*, *Capitolin. in Anton. Phil.* 13.

The funeral of those who died in infancy or under age, was called ACERBUM, or *Immaturum*, *Virg. Æn.* vi. 429.; *Juvenal.* xi. 44.; *Senec. ep.* 123.; or EX-

SEQUIÆ IMMATURÆ, *Id. tranq. anim. i. 11.* But *funus acerbum* is applied by some only to infants, and *immatutum* to young men. Such were buried sooner than grown persons, and with less pomp, *Tacit. Ann. xiii. 17.*; *Suet. Ner. 33.* *Funera puerorum ad faces et cereos ducta*, *Senec. brev. vi. 20.*; *Ep. 122.*

When a public funeral was intended, the corpse was kept usually for seven or eight days, *Serv. in Virg. v. 64. vi. 218.* with a keeper set to watch it, *Id. xi. 30.*; and sometimes boys to drive away the flies, *Xiphilin. 74.* When the funeral was private, the body was not kept so long, *Cic. Cluent. 9.*; *Suet. Oth. 11.*; *Tacit. Ann. xiv. 9.*

On the day of the funeral, when the people were assembled, the dead body was carried out (*efferebatur*) on a couch, covered with rich cloth, (*stragula vestis*), with gold and purple, *Suet. Jul. 84.*; supported commonly on the shoulders of the nearest relations of the deceased, *Plin. vii. 44.*; *Juvenal. x. 259.*; *Val. Max. vii. 1.*; or of his heirs, *Horat. Sat. ii. 5. 86.*; sometimes of his freedmen, *Perf. iii. 106.* Julius Cæsar was borne by the magistrates, *Suet. 84.*; Augustus by the senators, *Id. 101.*; and Germanicus by the tribunes and centurions, *Tacit. Ann. iii. 2.*

Poor citizens and slaves were carried to the funeral pile in a plain bier or coffin, (*SANDAPILA*, *Martial. ii. 81. viii. 75. 14.*; *Juvenal. viii. 175.*; *VILIS ARCA*, *Horat. Sat. i. 8. 9.*; *ORCINIANA SPONDA*, *Martial. x. 5. 9.*) usually by four bearers, called *VESPILLONES*, vel *Vespæ*, (*quia vespertino tempore mortuos efferebant*), *Festus.*; *Suet. Dom. 17.*; *Eutrop. vii. 34.*; *Martial. i. 31. and 48.*; *SANDAPILONES*, vel *-arii*; and in later writers, *LECTICARII*.

The funeral couches (*LECTICÆ*, *lecti*, vel *lori*) of the rich seem also to have been borne by *Vespillones*, *Nep. Att. 35.*; *Gell. x. 3.*: Hence a couch carried by six was called *HEXAPHORUM*, *Martial. ii. 81. vi. 77. 10.*; and by eight, *OCTOPHORUM*, *ix. 3. 11.*; or *Lectica*

tica oestrophoros; as the ordinary couches or sedans used in the city, or on journey, were carried by slaves, called *LECTICARII*, *Cic. Verr. v. 11.*; *Fam. iv. 12.*; *Phil. 41.*

These couches were sometimes open, and sometimes covered, *Ibid.*

The general name of a bier was *FERETRUM*, *Virg. Æn. vi. 222. xi. 64. 149.*; *Stat. Theb. vi. 55.*; *Ovid. Met. xiv. 747.*; or *CAPULUS*, vel -um, (*quod corpus capiat*), *Serv. in Virg. xi. 64.*; *Festus*: Hence *capularis*, old, at death's door, *Plaut. mil. iii. 1. 34.*; *Capuli decus*, *Afin. v. 2. 43.* Some make *feretrum* to be the same with *lectus*; others, that on which the couch was supported, *Varr. de L. L. iv. 35.*

Children who died before being weaned, were carried to the pile by their mothers, *Stat. Sylv. v. 5. 15.*; *Ovid. Her. xv. 115.*

All funerals used anciently to be solemnized in the night time with torches, that they might not fall in the way of magistrates and priests, who were supposed to be violated by seeing a corpse, so that they could not perform sacred rites, till they were purified by an expiatory sacrifice, *Serv. in Virg. xi. 143.*; *Donat. Ter. And. i. 1. 81.* Hence *FUNUS*, a funeral, from *funes accensi*, *Ibid. xi. 2. xx. 10.*; or *funalia*, *funales cerei*, *cerea facies*, vel *candela*, torches, candles, or tapers, originally made of small ropes or cords; (*funes*, vel *funiculi*), covered with wax or tallow, (*sebum*, vel *sebum*), *Serv. ibid. et Æn. i. 727.*; *Val. Max. iii. 6. 4.*; *Var. de vit. pop. R.*

But in after ages, public funerals (*funera indictiva*) were celebrated in the day time, at an early hour in the forenoon, as it is thought from *Plutarch. in Syll.* with torches also, *Serv. in Virg. Æn. vi. 224.*; *Tacit. Ann. iii. 4.* Private or ordinary funerals (*tacita*) were always at night, *Fest. in VESPILLONES.*

As torches were used both at funerals and marriages, *Ovid. ep. xxi. 172.*; hence *inter utramque facem*, for *inter nuptias*

nuptias et funus, Propert. iv. ult. ; *Et face pro thalami, fax mihi mortis adest*. Ovid. ep. xxi. 172.

The order of the funeral procession was regulated, and every one's place assigned him, by a person called **DESIGNATOR**, an undertaker or master of ceremonies, attended by Lictors, dressed in black, *Horat. ep. i. 7. 6.* ; *Cic. Att. iv. 3.*

First went musicians of various kinds ; pipers, (**TRIBICINES**, *Ovid. Fast. vi. 660* vel **SITICINES**, *Gell. xx. 2.*) ; trumpeters, *Perf. iii. 103.* ; *Serv. in Virg. xi. 192.* ; and cornetters, *Horat. Sat. i. 6. 43.* ; then mourning women, (**PRÆFICÆ**, *quæ dabant ceteris modum plan- gendi*), hired to lament, *Festus* ; *Lucil. 22.* ; *Horat. Art. 431.* and to sing the funeral song, (**NÆNIA** vel **LES- sus**), or the praises of the deceased, *Plaut. Truc. ii. 6. 14.* iv. 2. 18. to the sound of the flute, *Cic. legg. ii. 24.* ; *Quintil. viii. 2.* Boys and girls were sometimes employed for this last purpose, *Suet. Aug. 101.* as these praises were often unmerited and frivolous ; hence *nugæ* is put for **NÆNIÆ**, *Plaut. Afin. iv. 1. 63.* ; and *Lexidia, res inanes et frivola*, for *voces præsicarum*, *Gell. xviii. 7.*

The flutes and trumpets used on this occasion were larger and longer than ordinary, *Ovid. Am. ii. 6. 6.* ; of a grave dismal sound, *Stat. Theb. v. 120.* By the law of the twelve tables, the number of players on the flute at a funeral was restricted to ten, *Cic. legg. ii.* ; *Ovid. Fast. vi. 664.*

Next came players and buffoons, (*Ludii* vel *histriones*, et *scurra*, (who danced and sung, *Dionys. vii. 9.* ; *Suet. Tib. 57.* One of them called **ARCHIMIMUS**, supported the character (*personam gerebat*) of the deceased, imitating his words and actions while alive, *Suet. Vesp. 19.* These players sometimes introduced apt sayings from dramatic writers, *Suet. Cæs. 84.*

Then followed the freed-men of the deceased, with a cap on their head, (*pileati*), *Cod. de Lat. libert.*) ; *Liv. xxxviii. 55.* ; *Dionys. viii.*

Before

Before the corpse, were carried the images of the deceased, and of his ancestors, *Cic. Brut.* 34.; *Mil.* xiii. 32.; *Horat. epod.* viii. 11.; *Val. Max.* viii. 15. 1.: *Plin.* xxxv. 2.; on long poles or frames, *Sil.* x. 566.; but not of such as had been condemned for any heinous crime, *Tacit. Ann.* ii. 32. iii. 76.; whose images were broken, *Juvenal.* viii. 18. Sometimes there were a great many different couches carried before the corpse, on which it is supposed the images were placed, *Tacit. Ann.* xvi. 11.; *Serv. in Virg.* vi. 862. 875. After the funeral, these images were again set up in the hall, where they were kept, See p. 29.

If the deceased had distinguished himself in war, the crowns and rewards which he had received for his valour were displayed, together with the spoils and standards he had taken from the enemy, *Virg. Æn.* xi. 78. At the funerals of renowned commanders, were carried images or representations of the countries they had subdued, and the cities they had taken, *Tacit. Ann.* i. 8.; *Dio.* 56. & 74. The Lictors attended with their fasces inverted, *Tacit. Ann.* iii. 2. Sometimes also the officers and troops, with their spears pointing to the ground, *ibid. Virg.* xi. 92.; or laid aside, *Lucan.* viii. 735.

Behind the corpse, walked the friends of the deceased in mourning, (*atra, vel lugubri veste; atrati vel pullati*); his sons with their head veiled, and his daughters with their head bare, and their hair dishevelled, contrary to the ordinary custom of both, *Plutarch. quæst. Rom.* 4.; the magistrates without their badges, and the nobility without their ornaments, *Tacit. Ann.* iii. 4.

The nearest relations sometimes tore their garments, and covered their hair with dust, *Virg. Æn.* xii. 609.; *Catull.* 64. 224.; or pulled it out, *Cic. Tusc.* iii. 26. The women in particular, who attended the funeral, *Ter. And.* i. 1. 90.; *Suet. Caf.* 84.; beat their breasts, tore their cheeks, &c. *Virg. Æn.* iv. 673.; *Tibull.* i. 1. 81. although this was forbidden by the twelve tables, MULIERES GENAS NE RADUNTO, *Cic. legg.* ii. 24.; *Plin.* 37. 11. i. e. UNGUIBUS NE SCINDUNTO, *Festus.*

At

At the funeral of an illustrious citizen, the corpse was carried through the *forum*; where the procession stopped, and a funeral oration (LAUDATIO) was delivered in praise of the deceased from the *Rostra*, by his son, or by some near relation or friend, *Polyb.* vi. 51.; *Cic. Orat.* ii. 84.; *Suet. Cæs.* 84.; *Aug.* 101.; *Tib.* 6. *Ner.* 9.; sometimes by a magistrate, *Plin ep.* ii. 1. according to the appointment of the senate, *Quintil.* iii. 7. *vel.* 9.

This custom is said to have been first introduced by Poplicola, in honour of his colleague Brutus, *Plutarch. in Popl.*; *Dionys.* v. 17. ix. 54. It was an incentive to glory and virtue, but hurtful to the authenticity of historical records, *Liv.* viii. 40.; *Cic. Brut.* 17.

The honour of a funeral oration was decreed by the senate also to women, for their readiness in resigning their golden ornaments to make up the sum agreed to be paid to the Gauls, as a ransom for leaving the city; *Liv.* v. 50.; or, according to Plutarch, to make the golden cup which was sent to Delphi, as a present to Apollo, in consequence of the vow of Camillus, after the taking of Veji, *in Camillo*.

But Cicero says, that *Popilia* was the first to whom this honour was paid by her son Catulus, several ages after, *Cic. Orat.* ii. 11.; and according to Plutarch, Cæsar introduced the custom of praising younger matrons, upon the death of his wife Cornelia. But after that, both young and old, married and unmarried, were honoured with funeral orations, *Suet. Jul.* 6.; *Cal.* 10.; *Tacit. Ann.* v. 1.; xvi. 6.; *Dio.* 39. & 59.

While the funeral oration was delivering, the corpse was placed before the *Rostra*. The corpse of Cæsar was placed in a gilt pavilion like a small temple, (*aurata ades*), with the robe in which he had been slain suspended on a pole or trophy, *Suet. Cæs.* 84.; and his image exposed on a moveable machine, with the marks of all the wounds he had received; for the body itself was not seen, *Appian. B. C.* ii.

From

From the *Forum*, the corpse was carried to the place of burning or burial, which the law of the twelve tables ordered to be without the city, HOMINEM MORTUUM IN URBE NE SEPELITO, NEVE URITO, *Cic. legg. ii.*; according to the custom of other nations; the Jews, *Matth. xxvii. 53.*; *John xix. 20.* and *41.*; the Athenians, *Cic. iv. 12.*; *Liv. xxxi. 24.*; and others, *Cic. Flacc. 31.*; *Tusc. v. 23.*; *Plutarch. in Arato.*—*Strab. x.*

The ancients are said to have buried their dead at their own houses, *Serv. in Virg. Æn. v. 64. vi. 152. Isidor. xiv. 11.*; whence, according to some, the origin of idolatry, and the worship of household gods, the fear of hobgoblins or spectres in the dark, (*LARVÆ vel LEMURES*), &c. *Ibid.*—Souls separated from the body were called *LEMURES* or *MANES*; if beneficent, *LARES*; if hurtful, *LARVÆ vel MANIÆ*; (*ἀγαθοὶ καὶ κακοὶ δαίμονες*;) *Apul. de deo Socratis.*

The Romans prohibited burning or burying in the city, both from a sacred and civil consideration; that the priests might not be contaminated by seeing or touching a dead body, and that houses might not be endangered by the frequency of funeral fires, *Cic. legg. ii. 22.* or the air infected by the stench, *Serv. in Virg. vi. 150. Isid. xiv. 11.*

The *flamen* of Jupiter was not allowed to touch a dead body, nor to go where there was a grave; *Gell. x. 15.*; so the high priest among the Jews, *Levit. xxi. 11.*; and if the *pontifex maximus* had to deliver a funeral oration, a veil was laid over the corpse, to keep it from his sight. *Senec. conf. ad Marc. 15. Dio. liv.*

The places for burial were either private or public; the private in fields or gardens, usually near the high way, to be conspicuous, and to remind those who passed of mortality, *Varr. de L. L. v. 6.* Hence the frequent inscriptions, *SISTE VIATOR, ASPICE VIATOR*, &c. on the *via Appia, Aurelia, Flaminia*, &c. *Liv. vi. 36. Suet. Cal. 59. Galb. 20. Juven. i. ult. Martial. i. 89. 115. 117. vi. 28. x. 43. xi. 14. Propert. iii. 16. Nep. Att. ult.*

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The public places of burial for great men were commonly in the CAMPUS MARTIUS, *Strab. v. Suet. Cas. 84. Cl. 1. Virg. Æn. vi. 873.* or CAMPUS ESQUILINUS, granted by a decree of the senate, *Cic. Phil. ix. 7.* for poor people without the Esquiline gate, in places called PUTICULÆ, vel -i, (*quod in puteos corpora mittebantur,*) *Varro de L. L. iv. 5. Festus. Horat. Sat. 1. 8. 8.*

As the vast number of bones deposited in that common burying ground rendered the places adjoining unhealthy, Augustus, with the consent of the senate and people, gave part of it to his favourite Mæcenæ, who built there a magnificent house, (*molem propinquam nubibus arduis,* *Hor. od. iii. 29. 10.* called TURRIS MÆCENATIANA, *Suet. Ner. 38.*) with extensive gardens, whence it became one of the most healthy situations in Rome, *Suet. Aug. 72. Tib. 15. Ner. 31.*

There was in the corner of the burying-ground, a stone-pillar, CIPPUS, on which was marked its extent towards the road, (*in fronte*) and backwards to the fields, (*in agro, vel -um*), *Horat. ibid.*; also who were to be buried in it.

If a burying ground was intended for a person and his heirs, it was called SEPULCHRUM, vel MONUMENTUM HEREDITARIUM, which was marked in letters thus: H. M. H. S. *i. e.* HOC MONUMENTUM HÆREDES SEQUITUR; or GENTILE and GENTILIUM, *Suet. Ner. 50.*; PATRIUM, *Virg. Æn. x. 557.*; AVITUM, *Ovid. Trist. iv. 3. 45*; *Met. xiii. 524.* If only for himself and family, FAMILIARE, *L. 5. D. de religio.* Freed-men were sometimes comprehended, and relations, when undeserving, excluded, *Suet. Aug. 102.*

The right of burying, (*jus inferendi*), was sometimes purchased by those who had no burying-ground of their own.

The Vestal virgins were buried in the city, (*quia legibus non tenebantur*), *Serv. in Virg. Æn. ix.* and some illustrious men, as, *Poplicola, Tubertus, and Fabricius,* (*virtutis causâ, legibus soluti*); which right their posterity retained, *Cic. legg. ii. 23.* but did not use. To shew,

shew, however, that they possessed it, when any of them died, they brought the dead body, when about to be burnt, into the *Forum*, and setting down the couch, put a burning torch under it, which they immediately removed, and carried the corpse to another place, *Plutarch. in Poplic.*

When a person was burnt and buried in the same place, it was called *BUSTUM*, *Festus.*; whence this word is often put for a tomb, (*Τυμβος*), *Cic. Tusc. v. 35.*; *Att. vii. 9.*; *Pis. 4. 7.*; *Legg. 2. 26.* A place where one was only burnt, *USTRINA*, vel *um*, *Fest.*

The funeral pile (*ROGUS*, vel *PYRA*) was built in the form of an altar, with four equal sides, *Herodian. iv. 2.*; hence called *ARA SEPULCHRI*, *Virg. vi. 177.*; *Sil. xv. 388.*; *FUNERIS ARA*, *Ovid. Trist. iii. 13. 21.*; *Ibis. 102.*; of wood which might easily catch fire, as fir, pine, cleft oak, &c. *Virg. Æn. iv. 504. vi. 180.*; *Stat. Theb. vi. 54.*; unpolished, according to the law of the twelve tables, *ROGUM ASCIA NE POLITO*, *Cic. legg. ii. 24.*; but not always so, *Plin. xxxv. 7.*; also stuffed with paper and pitch, *Martial. viii. 44. 14. x. 97.*; made higher or lower according to the rank of the deceased, *Lucan. viii. 743.*; *Ovid. ib. 152.*; *Virg. ibid. &c. xi. 215.*; with cypress trees set around to prevent the noisome smell, *Ibid.*; and *Serv. in loc.*; *Sil. x. 535.*; at the distance of sixty feet from any house, *Cic. legg. ii. 24.*

The *basilica Porcia* and senate house adjoining, contiguous to the *Forum*, were burnt by the flames of the funeral pile of *Clodius*, *Ascon. in Cic. pro Milone.*

On the funeral pile was placed the corpse with the couch, *Tibull. i. 1.* The eyes of the deceased were opened, *Plin. ii. 37.*; to which *Virgil* is thought to allude, *Æn. iv. 244.*

The nearest relations kissed the body with tears, *Prop. ii. 10. 29*; *Tibull. i. 1. 75.*; and then set fire to the pile with a lighted torch, turning away their face, (*avertsi*), to shew that they did it with reluctance, *Virg. Æn. vi. 223.* They prayed for a wind to assist the

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flames,

flames, *Propert.* iv. 7. 31.; as the Greeks did, *Homer.* xxiii. 193; and when that happened, it was thought fortunate, *Plutarch. in Syll.*

They threw into the fire various perfumes, (*odores*), incense, myrrh, cassia, &c. *Plin.* xii. 18.; *Juven.* iv. 109.; *Stat. Sylv.* v. 1. 208.; *Martial.* x. 26.; which Cicero calls *SUMPTUOSA RESPERSIO*, forbidden by the twelve tables, *Legg.* ii. 24.; also cups of oil and dishes, (*dapes v. fercula*), with titles marking what they contained, *Virg. Æn.* vi. 223.; *Stat. Theb.* vi. 126.; likewise the clothes and ornaments not only of the deceased, *Virg. Æn.* vi. 221.; *Lucan.* ix. 175.; but their own, *Tacit. Ann.* iii. 3. 2.; *Suet. Jul.* 84. every thing in short that was supposed to be agreeable to the deceased while alive, *Donat. in Virg. Æn.* vi. 217. All these were called *MUNERA*, *vel DONA*, *Ibid.*

If the deceased had been a soldier, they threw on the pile his arms, rewards, and spoils, *Virg. Æn.* xi. 192.; and if a General, the soldiers sometimes threw in their own arms, *Suet. Jul.* 84.; *Lucan.* viii. 735.

At the funeral of an illustrious commander or Emperor, the soldiers made a circuit (*DECURREBANT*) three times round the pile, *Virg. Æn.* xi. 188.; *Tacit. Ann.* ii. 7.; from right to left, (*orbe sinistro*), with their ensigns inverted, *Stat. Theb.* vi. 213.; and striking their weapons on one another to the sound of the trumpet, *Val. Flacc.* iii. 346. all present accompanying them; as at the funeral of Sylla, *Appian.* B. C. 1.; of Augustus, *Dio.* 56. &c.; which custom seems to have been borrowed from the Greeks, *Homer.* xxiii. 13.; used also by the Carthaginians, *Liv.* xxv. 17.; sometimes performed annually at the tomb, *Suet. Claud.* 1.

As the *Manes* were supposed to be delighted with blood, *Tertullian. de Spect.* various animals, especially such as the deceased had been fond of, were slaughtered at the pile, and thrown into it, *Virg. Æn.* xi. 197.; *Homer. Il.* xxiii. 166.; *Plin. ep.* iv. 2.; in ancient times, also men, captives or slaves, *Virg. x.* 518. xi. 82.; *Homer. Il.* xxi. 27.; to which Cicero alludes, *Flacc.* 38.

Afterwards,

Afterwards, instead of them, gladiators, called *BUSTUARI*, were made to fight, *Serv. in Æn.* x. 519.; *Horat. Sat.* ii. 3. 85.; so among the Gauls, slaves and clients were burnt on the piles of their masters, *Cæs. B. G.* v. 17.; among the Indians and Thracians, wives on the piles of their husbands, *Cic. Tusc.* v. 27.; *Mel. de sit. orb.* ii. 2. As one man had several wives, there was sometimes a contest among them about the preference, which they determined by lot, *Propert.* iii. 7.; *Ælian.* 7. 18.; *Serv. in Æn.* v. 95. Thus also among the Romans, friends testified their affection, *Plin.* 7. 36.; Plautius to his wife Orestilla, *Val. Max.* iv. 6. 3.; soldiers to Otho, *Tacit. Hist.* ii. 49.; Mneſter, a freedman, to Agrippina, *Id. Ann.* xiv. 9. &c.

The Jews, although they interred their dead, (*condere, quam cremare, e more Ægyptio*), *Tacit. hist.* v. 5. filled the couch on which the corpse was laid with sweet odours, and divers kinds of spices, and burnt them, 2 *Chron.* xvi. 14. xxi.; *Jerem.* xxxiv. 5.

When the pile was burnt down, the fire was extinguished, and the embers soaked with wine, *Virg. Æn.* vi. 226.; the bones were gathered (*ossa legebantur*) by the nearest relations, *Tibull.* iii. 2.9.; with loose robes, *Ibid.* & *Suet. Aug.* 101.; and sometimes barefooted, *Suet. ibid.*

We read also of the nearest female relations gathering the bones in their bosom, *Tib.* i. 3. 5.; *Senec. ad Helv.* 11.; who were called *FUNERÆ*, vel *-eæ*, *Serv. in Virg. Æn.* ix. 486.

The ashes and bones of the deceased are thought to have been distinguished by their particular position. Some suppose the body to have been wrapt in a species of incombustible cloth, made of what the Greeks called *Asbestos*, *Plin.* xix. 1. But Pliny restricts this to the kings of India, where only it was then known.

The bones and ashes besprinkled with the richest perfumes were put into a vessel called *URNA*, an urn, *Cic. Tusc.* i. 15.; *Ovid. Am.* iii. 9. 39.; *FERALIS URNA*, *Tacit. Ann.* iii. 1.; made of earth, brass, marble, fil-

ver or gold, according to the wealth or rank of every one, *Prop.* ii. 10. 31.; *Virg. Æn.* vi. 228.; *Eutrop.* viii. 5. Sometimes also a small-glass vial full of tears, called by the moderns a *Lachrymatory*, was put in the urn.

The urn was solemnly deposited (*componebatur*) in the sepulchre, (SEPULCHRUM, TUMULUS, MONUMENTUM, *sedes*, vel *domus*, CONDITORIUM, v. -*tivum*, CENERARIUM, &c.), *Propert.* ii. 24. 35.; *Ovid. Fast.* v. 426.; *Met.* iv. 157. Hence *componere* to bury, *Horat. Sat.* i. 9. 28.; *Tacit. Hist.* i. 47.; to shut up, to end, *Virg. Æn.* i. 378. 6.; *composito die*, i. e. *finite*, *Plin.* ep. ii. 17.

When the body was not burnt, it was put into a coffin, (*arca*, vel *loculus*) with all its ornaments, *Plin.* vii. 2. usually made of stone, as that of *Numa*, *Plin.* xiii. 13.; *Val. Max.* i. 1. 12.; so of *Hannibal*, *Aur. Vict.* iii. 42.; sometimes of *Assian* stone, from *Assos*, or -*us*, a town in *Troas* or *Myfia*, which consumed the body in forty days, *Plin.* xxxvi. 17.; hence called SARCO-PHAGUS, *Ibid.*; which word is also put for any coffin, or tomb, *Juvenal.* x. 172.

The coffin was laid in the tomb on its back; in what direction among the Romans, is uncertain; but among the Athenians, looking to the west, *Ælian.* v. & vii. *Plutarch. in Solon.*

Those who died in prison, were thrown out naked on the street, *Liv.* 38. 59.

When the remains of the deceased were laid in the tomb, those present were three times sprinkled by a priest with pure water, (*aqua pura*, vel *lustralis*), from a branch of olive or laurel, (*aspergillum*), to purify them, *Serv. in Virg. Æn.* vi. 239.; *Fest. in.* LAURUS; *Juvenal.* ii. 158.; then they were dismissed by the PRÆFICA, or some other person, pronouncing the solemn word ILICET, i. e. *ire licet*, you may depart, *Serv. ibid.* At their departure, they used to take a last farewell, by repeating several times VALE, or SALVE æternum, *Id.* xi. 97. ii. 640.; adding, NOS TE ORDINE,

NE, QUO NATURA PERMISERIT, CUNCTI SEQUEMUR, *Serv. Æn.* iii. 68.; which were called VERBA NOVISSIMA; also to wish that the earth might lie light on the person buried, which is found marked on several ancient monuments in these letters, S. T. T. L. SIT TIBI TERRA LEVIS, *Martial.* i. 89. v. 35. ix. 30.; and the grave-stone, (CIPPUS). *Perf.* i. 37; that his bones might rest quietly, or lie softly, (*molliter cubarent*), *Ovid. Am.* i. 8. 108.; *Ep.* vii. 162.; *Trist.* iii. 3. 75.; *Virg. ecl.* x. 33.; PLACIDE QUIESCAS, *Tacit. Agric.* 46.: Hence *placida compostus pace quiescit*, is said of Antenor, while yet alive, *Id. Æn.* i. 149. Sometimes they did not deposit the bones in the earth, till three days after the body was burnt, *Virg. Æn.* xi. 210.

The friends, when they returned home, as a further purification, after being sprinkled with water, stepped over a fire, (*ignem supergrediebantur*), which was called SUFFICIO, *Festus*. The house itself also was purified, and swept with a certain kind of broom or besom, (*scopæ -arum*), which purgation was called EXVERRÆ, v. *Everræ*; and he who performed it, EVERRIATOR, *Id.*

There were certain ceremonies for the purification of the family, called FERIÆ DENICALES, (*a nece appellatæ*), *Cic. legg.* ii. 22.; *Festus*. when they buried a thumb, or some part cut off from the body before it was burnt, or a bone brought home from the funeral pile; on which occasion, a soldier might be absent from duty, *Gell.* xv. 4.

A place was held religious, where a dead body, or any part of it, was buried, but not where it was burnt, *Cic. ibid.*

For nine days after the funeral, while the family was in mourning, and employed about certain solemnities at the tomb, it was unlawful to summon the heir, or any near relation of the deceased to a court of justice, or in any other manner to molest them, *Novell.* 115. On the ninth day, a sacrifice was performed, called NOVEN-DIALE, *Porphyrio ad Horat. epod.* xvii. 48.; with

which these solemnities were concluded, *Donat. in Ter. Phorm.*

Oblations or sacrifices to the dead, (*INFERIÆ, vel PARENTALIA*), were afterwards made at various times, both occasionally and at stated periods, consisting of liquors, victims, and garlands, *Virg. Æn. iii. 66. v. 77. 94. ix. 215. x. 519. ; Tacit. hist. ii. 95. ; Suet. Cal. 3. 15. ; Cl. ii. ; Ner. 11. ;* called *FERALIA MUNERA*, *Ovid. Trist. iii. 3. 81.* Thus *ALICUI INFERIAS FERRE, vel MITTERE, et PARENTARE*, to perform these oblations, *Cic. legg. ii. 21. ; Phil. i. 6. ; Flacc. 38. ; Parentare regi sanguine conjuratorum*, to appease, to revenge, *Liv. xxiv. 21. ;* so *Cæs. B. G. 7. 17.*

The sepulchre was then bespread with flowers, and covered with crowns or fillets, *Suet. Ner. 57. ; Tacit. hist. 55. ; Cic. Flacc. 38.* Before it, there was a little altar, on which libations were made, and incense burnt, *Virg. Æn. iii. 63. 302. vi. 883.* A keeper was appointed to watch the tomb, *Prop. iii. 16. 22.* which was frequently illuminated with lamps, *D. xl. 4. 44. ; Suet. Aug. 99.*

A kind of perpetual lamps are said by several authors to have been found in ancient tombs still burning, which however went out on the admission of air. But this by others, is reckoned a fiction, *Kippingi Antiq. iv. 6. 14.*

A feast was generally added, called *SILICERNIUM*, (*cœna funebris*, quasi in *silice* posita, *Serv. in Virg. Æn. v. 92. vel quod silentes*, sc. *umbræ*, eam *cernebant*, vel *parentantes*, qui non degustabant, *Donat. in Ter. Adelph. iv. 2. 48.*) both for the dead and the living. Certain things were laid on the tomb, commonly beans, lettuces, bread and eggs, or the like, which it was supposed the ghosts would come and eat. What remained, was burnt; for it was thought mean to take away any thing thus consecrated, or what was thrown into the funeral pile. Hence *Rapere de rogo cœnam*, *Catull. 59. ; Tibull. i. 5. 53. ; E flamma cibum petere*, *Ter. Eun. iii. 2. 38.* *Bustirâpus* is applied as a name of

of contempt to a fordid person, *Plaut. Pseud. i. 3. 127.* ; and *SILICERNIUM*, to an old man, *Ter. ibid.*

After the funeral of great men, there was not only a feast for the friends of the deceased, but also a distribution of raw meat among the people, called *VISCERATIO*: See p. 301. with shews of gladiators and games, which sometimes continued for several days, *Liv. 39. 46.* ; sometimes celebrated also on the anniversary of the funeral, *Virg. Æn. v.*

The time of mourning for departed friends was appointed by Numa, *Plutarch. in Num.* as well as funeral rites, (*justa funebria*), and offerings to appease the manes, (*inferiæ ad placandos Manes*), *Liv. i. 20.* There was no limited time for men to mourn, because none was thought honourable, *Senec. epist. 63.* ; as among the Germans, *Tacit. 27.* It usually did not exceed a few days, *Dio. 56.* Women mourned for a husband or parent ten months, or a year according to the computation of Romulus; See p. 303. but not longer, *Senec. ib. & Consol. ad Helv. 16.* ; *Ovid. Fast. iii. 133.*

In a public mourning for any signal calamity, the death of a prince or the like, there was a total cessation from business, (*JUSTITIUM*), either spontaneously, or by public appointment, *Liv. ix. 7.* ; *Tacit. Ann. ii. 82.* ; *Lucan. ii. 17.* ; when the courts of justice did not sit, the shops were shut, &c. *Tacit. Ann. iii. 3.* ; *4.* ; *iv. 8.* ; *Suet. Cal. 24.*

Both public and private mourning was laid aside on account of the public games, *Tacit. Ann. iii. 6.* ; *Suet. Cal. 6.* for certain sacred rites, as those of Ceres, &c. and for several other causes enumerated by Festus, *in voce MINUITUR*. After the battle of Cannæ, by a decree of the senate, the mourning of the matrons was limited to thirty days, *Liv. xxii. 56.* ; *Val. Max. i. 1. 14.* Immoderate grief was supposed to be offensive to the Manes, *Tibull. i. 1.* ; *Stat. Sylv. v. 1. 179.*

The Romans in mourning kept themselves at home, *Tacit. Ann. iii. 3. iv. 8.* ; *Plin. ep. ix. 13.* ; avoiding every

very entertainment and amusement, *Cic. Att. xii. 13.* &c.; *Senec. decl. iv. 1.*; *Suet. Cal. 24. 45.*; neither cutting their hair nor beard. See p. 414. dressed in black, (*LUGUBRIA sumebant*), *Juvenal. x. 243.*; which custom is supposed to have been borrowed from the Egyptians, *Serv. in Virg. Æn. xi.*; sometimes in skins, *Festus in PELLIS*; laying aside every kind of ornament, *Liv. ix. 7.*; *Suet. Aug. 101.*; not even lighting a fire, *Juvenal. iii. 214.*; *Apul. Met. ii.*; which was esteemed an ornament to the house, *Homer. Il. 13.* Hence *Foculus perennis*, i. e. *sine luctu*, *Martial. x. 47. 4.*; *pervigil*, *Stat. Sylv. iv. 5. 13.*

The women laid aside their gold and purple, *Liv. xxxiv. 7.*; *Ter. Heaut. ii. 3. 45.* Under the republic, they dressed in black like the men; but under the Emperors, when party-coloured cloaths came in fashion, they wore white in mourning, *Plutarch. probl. 27.*; *Herodian. iv. 2. 6.*

In a public mourning, the senators laid aside their *latus clavus* and rings; the magistrates, the badges of their office, *Cic. post. red. in Sen. 5.*; *Tacit. Ann. iii. 4.*; *Lucan. ii. 18.*; and the consuls did not sit on their usual seats in the senate, which were elevated above the rest, but on a common bench, (*sede vulgari*), *Tacit. Ann. iv. 8.*; *Dio. 56.*

The Romans commonly built tombs for themselves during their life-time, *Senec. brev. vit. 20.*; thus the *MAUSOLEUM* (*μαυσολῆιον*) of Augustus with woods and walks around, *Suet. Aug. 101.* Hence these words frequently occur in ancient inscriptions, *V. F. VIVUS FECIT*; *V. F. C. VIVUS FACIENDUM CURAVIT*; *V. S. P. VIVUS SIBI POSUIT*; also *SE VIVO FECIT*. If they did not live to finish them, it was done by their heirs, *Suet. Aug. 101.* who were often ordered by the testament to build a tomb, *Horat. Sat. ii. 3. 84. 3. 105.*; *Plin. ep. vi. 10.* and sometimes did it at their own expence, (*DE SUO, vel DE SUA PECUNIA.*)

The Romans erected tombs either for themselves alone,

lone, with their wives, (SEPULCHRA PRIVA, *vel* SINGULARIA), or for themselves, their family and posterity, (COMMUNIA, *Cic. Off.* i. 17.; FAMILIARIA et HÆREDITARIA, *Cod.* 13.; likewise for their friends, who were buried elsewhere, or whose bodies could not be found, (CENOTAPHION, *vel* TUMULUS HONORARIUS, *Suet. Cl.* 1. *vel* INANIS, *Virg. Æn.* iii. 304.; *Horat. od.* ii. 20. 21.); *Tacit. Ann.* i. 62.

The tombs of the rich were commonly built of marble, *Cic. Fam.* iv. 12.; *Tibull.* iii. 2. 22.; the ground inclosed with a wall, (*maceriâ*), *Suet. Ner.* 33. 50. or an iron rail, (*ferreâ sepe*), *Strab.* v.; and planted round with trees, *Martial.* i. 89. 3.

When several different persons had a right to the same burying-ground, it was sometimes divided into parts, and each part assigned to its proper owner.

But common sepulchres were usually built below ground, and called HYPOGÆA, *Petron.* 71. many of which still exist in different parts of Italy, under the name of *catacombs*. There were niches cut out in the walls, in which the urns were placed; these, from their resemblance to the niches in a pigeon-house, were named COLUMBARIA.

Sepulchres were adorned with various figures in sculpture, which still are to be seen, *Cic. Tusc.* 2. v. 23.; *Virg. Æn.* vi. 233.; with statues, *Liv.* 38. 56.; columns, &c.

But what deserves particular attention, is the inscription or epitaph, (TITULUS, *ἑπιτάφιος*, EPITAPHIUM, *vel* ELOGIUM), expressed sometimes in prose, and sometimes in verse, *Ovid. Her.* xiv. 128.; *Martial.* x. 71.; *Cic. Tusc.* i. 14.; *Arch.* 11.; *Senect.* 17. 20.; *Fin.* ii. 35.; *Pis.* 29.; *Virg. Ecl.* v. 43.; *Suet. Cl.* 12. beginning with these letters, D. M. S. DIS MANIBUS SACRUM, *Prudent. Symach.* i. 402.; *Gell.* x. 18. *vel* MEMORIÆ, *Suet. Vit.* 10, then the name of the person followed, his character, and the principal circumstances of his life. Often these words are used, HIC SITUS EST *vel* JACET, *Ovid. Met.* ii. 378.; *Tibull.* i. 3. 53.; *Martial.* vi. 52.; *Virg. vii.* 3.; *Plin.*

Plin. ep. vi. 10.; *Senec. ep. 78.* If he had lived happily in marriage, thus, SINE QUERELA, SINE JURGIO, vel *offensa*, v. *discordia*, *Plin. ep. viii. 5.*

When the body was simply interred without a tomb, an inscription was sometimes put on the stone coffin, as on that of Numa, *Liv. xl. 29.*

There was an action for violating the tombs of the dead, (SEPULCHRI VIOLATI ACTIO), *Cic. Tusc. i. 12.*; *Senec. Contr. iv. 4.* The punishment was a fine, the loss of a hand, (*manus amputatio*); working in the mines, (*damnatio ad metallum*), banishment or death.

A tomb was violated by demolition, by converting it to improper purposes, or by burying in it those who were not entitled, (*alienos inferendo*), *Cic. legg. ii. 26. D.*; *de sep. viol.* Tombs often served as lurking places for the persecuted Christians, *Chrysoft. Hom. 40.*; and others, *Martial. i. 35. iii. 92. 15.*

The body was violated by handling, *l. 4. C. de sep. viol.* or mutilating it, which was sometimes done for magical purposes, *Quintil. decl. 15.*; *Apul. Met. ii.*; *Tacit. Ann. ii. 69.* by stripping it of any thing valuable, as *gold, arms, &c. Id. 369.*; *Phædr. i. 27. 3.*; or by transporting it to another place, without leave obtained from the *Pontifex Maximus*, from the Emperor, or the magistrate of the place, *Dig. & Cod.*

Some consecrated temples to the memory of their friends, as Cicero proposed to his daughter Tullia; which design he frequently mentions in his letters to Atticus, *xii. 18. 19. 35. 36. 41. 43. &c. Lactant. i. 15.* This was a very ancient custom, *Plin. 27.*; and probably the origin of idolatry, *Wisdom. xiv. 15.*

The highest honours were decreed to illustrious persons after death, *Minuc. Felix. in Octav.* The Romans worshipped their founder Romulus, as a god, under the name of Quirinus, *Liv. i. 16.* Hence afterwards the solemn CONSECRATION (*ἀποθεωσις*) of the Emperors, by a decree of the senate. *Herodian. iv. 2.* who were thus said to be ranked in the number of the gods, (*in deorum numerum, inter vel in deos referri*, *Suet. Cæs. 88.*;

cælo

cælo dicari, *Plin. Pan.* 11. &c.); also some Empresses, *Suet. Cl.* 11.; *Tacit. Ann.* v. 2. xvi. 21. Temples and priests were assigned to them, *see p.* 296. They were invoked with prayers, *Virg. G.* i. 42. Men swore by their name or genius, and offered victims on their altars, *Horat. ep.* ii. 1. 16.

The real body was burnt, and the remains buried in the usual manner. But a waxen image of the deceased was made to the life; which after a variety of ridiculous ceremonies, paid to it for seven days in the palace, was carried on a couch in solemn procession on the shoulders of young men of equestrian and patrician rank, first to the *Forum*, where the dirge was sung by a choir of boys and girls of the most noble descent; then to the *Campus Martius*, where it was burnt, with a vast quantity of the richest odours and perfumes, on a lofty and magnificent pile; from the top of which, an eagle let loose was supposed to convey the prince's soul to heaven, *Herodian.* iv.

ROMAN WEIGHTS and COINS.

The principal Roman weight was AS or *libra*, a pound; which was divided into twelve parts, or ounces, (UNCIÆ); thus, *uncia*, an ounce, or $\frac{1}{12}$ of an *as*; *sextans*, 2 ounces, or $\frac{2}{12}$; *quadrans*, 3, $\frac{3}{12}$, or $\frac{1}{4}$; *triens*, 4, $\frac{4}{12}$, or $\frac{1}{3}$; *quincunx*, 5, or $\frac{5}{12}$; *semis*, 6, or $\frac{1}{2}$; *septunx*, 7, or $\frac{7}{12}$; *bes*, vel *beſſis*, 8, $\frac{8}{12}$, or $\frac{2}{3}$; *drans*, 9, $\frac{9}{12}$, or $\frac{3}{4}$; *dextans*, or *decussis*, 10, $\frac{10}{12}$, or $\frac{5}{6}$; *deunx*, 11 ounces, or $\frac{11}{12}$ of an *as*.

The UNCIA was also divided thus, *semuncia*, $\frac{1}{2}$, the half of an ounce, or $\frac{1}{24}$ of an *as*; *duella*, $\frac{1}{4}$; *ſicilicus*, vel *-um*, $\frac{1}{8}$; *ſextula*, $\frac{1}{16}$; *drachma*, $\frac{1}{32}$; *hemiseſcla*, i. e. *ſemiſextula*, $\frac{1}{64}$; *tremiſſis*, $\frac{1}{128}$; *ſcrupulus*, *ſcriptulum*, vel *ſcripulum*,

pulum, $\frac{1}{24}$ of an ounce, or $\frac{1}{288}$ of an *as*, Varr. L. L. iv. 36.

AS was applied to any thing divisible into twelve parts; as, an inheritance, *see p. 62.*; an acre, *Liv. viii. 11.*; liquid measure, *see p. 441.*; or the interest of money, &c. Hence probably our word *ace*, or unit.

The Roman pound was equal to 10 ounces, 18 pennyweights, $13\frac{1}{4}$ grains of English *Troy* weight, or 12 ounces *Averdupois*.

The Greek weights mentioned by Roman authors, are chiefly the *talent*, divided into 60 *mine*, and the *mina* into 100 *drachma*. The *mina* was nearly equal to the Roman *libra*.

English TROY weight, by which silver and gold are weighed, is as follows: 24 grains, 1 penny-weight; 20 pwt. 1 ounce; 12 oz. 1 pound. But *Apothecaries*, in compounding medicines, make, 20 grains, 1 scruple; 3 s. 1 drachm; 8 dr. 1 ounce; 12 oz. 1 pound. *Averdupois* weight, by which larger and coarser commodities are weighed, 16 drams, one ounce; 16 oz. 1 pound.

The Romans, like other ancient nations, at first had no coined money, (*pecunia signata*), but either exchanged commodities with one another, or used a certain weight of uncoined brass, (*AES RUDE*), or other metal: Hence the various names of money also denote weight; so *pendere* for *solvere*, to pay; *stipendium*, (*a stipe pendenda*), soldiers pay, *Festus*; because at first it was weighed, and not counted. Thus, *talentum* and *mina* among the Greeks, *sheckel* among the Hebrews, and *pound* among us.

Several Greek words are supposed to allude to the original custom of exchanging commodities, thus, *ἀρνῦμαι*, to purchase, or exchange, by giving a lamb, (*ἀρς*, *αρως agnus*); *ἀνῶμαι*, by giving an ass, (*ὄνος*, *asinus*); *πωλεῖν*, by giving a foal, (*πῶλος*, *equuleus*), or the young of any animal.

Servius

Servius Tullius first stamped pieces of brass with the image of cattle, sheep, oxen, swine, &c. (PECUNIES), whence PECUNIA, money, *Ovid. Fast. v. 281*; (*Servius rex ovium boumque effigie primus æs signavit*, *Plin. 33. 3.*; *Æs pecore notavit*; *Varro, R. R. ii. 1. 9.*) Silver was first coined, A. U. 484. five years before the first Punic war, or, according to others, A. U. 498.; and gold, sixty-two years after, *Plin. 33. 3.*; *Liv. ep. xv.* Silver coins however seem to have been in use at Rome before that time, but of foreign coinage, *Liv. viii. 11.* The Roman coins were then only of brass.

Hence ÆS, or ara, plur. is put for money in general, *Horat. art. p. 345.*; *ep. i. 7. 23.* *Aureos nummos æs dicimus*, *Ulpian.* *Ære mutare*, to buy or sell; *æs alienum*, debt; *annua ara*, yearly-pay, *Liv. v. 4.*; *ararium*, the treasury; *æs militare*, money for paying the soldiers, given from the treasury to the Quæstor by the *Tribuni ærarii*, *Ascon. et Fest.*; or by them to the soldiers, *Varr. L. L. iv. 36.* *Homo æratus*, a monied man, *Plaut. Moss. iv. 2. 9.* as some read the passage: *So tribunii non tam ærati*, i. e. bene nummati, quam, ut appellantur, *ærarii*, i. e. ære corrupti, vel in ærarios aut Cærites referendi, *Cic. Att. i. 16.* See p. 135. *Æra vetusta*, i. e. prisca moneta, ancient money; *Ovid. Fast. i. 220.* but *Æra vetera*, old crimes or debts; *Cic. Verr. v. 13.* *Æruscare* vel *æsculari*, to get money by any means; *Fest. et Senec. de clem. ii. 6.*; *Æruscator*, vel *æsculator*, a low beggarly fellow, a fortune-teller, or the like, *Gell. ix. 2. xiv. 1.*; *obærat*, oppressed with debt, a debtor. *Liv. 26. 40*; *Cæs. B. G. i. 3.*; *Tacit. Ann. vi. 17.* *In meo ære est*, i. e. in bonis meis, vel in meo censu, mine, my friend, *Cic. Fam. xiii. 62. xv. 14.*; *æs circumforaneum*, money borrowed from bankers, (*argentarii*), who had shops in porticos round the Forum, *Cic. Att. ii. 1.*

Money was likewise called STIPS, (a *stipando*), from being crammed in a cell, that it might occupy less room, *Varr. L. L. iv. 36.* But this word is usu-

ally put for a small coin, as we say a *penny*, or *farthing*, offered to the gods, at games or the like, *Liv.* 25. 12.; *Tacit. Ann.* xiv. 15.; *Aug.* 57.; or given as an alms to a beggar, *Id.* 91.; or to any one as a new year's gift, (*STRENA*), *Id. Cal.* 42.; or by way of contribution for any public purpose, *Plin.* xxxiv. 5.

The first brass coin (*NUMMUS* vel *numus æris*, a *Numa rege*, a νόμος vel *lex*), was called *AS*, anciently *assis*, (from *as*), of a pound weight, (*libralis*). The highest valuation of fortune (*census maximus*) under *Servius*, was an *L.* 100,000 of brass, (*centum millia æris*, sc. *assium*, vel *librarum*), *Liv.* i. 43.

The other brass coins, besides the *as*, were *semisses*, *trientes*, *quadrantes*, and *sextantes*. The *quadrans* is also called *TERUNCIVS*, *Cic. Fam.* ii. 17.; *Att.* v. 20.

These coins at first had the full weight which their names imported; hence in later times called *ÆS GRAVE*, *Plin.* xxxiii. 3.

This name was used particularly after the weight of the *as* was diminished, to denote the ancient standard, *Liv.* iv. 41. 60. v. 12.; *Senec. ad Helv.* 12.; and, because when the sum was large, the *asses* were weighed and not counted. But *Servius* on *Virgil* makes *as grave* to be lumps (*masse*) of rough copper, or uncoined brass, (*æris rudis*), *Æn.* vi. 862.

In the first Punic war, on account of the scarcity of money, *asses* were struck weighing only the sixth part of a pound, or two ounces; (*asses sextantario pondere feriebantur*), which passed for the same value as those of a pound weight had done; whence the Republic gained one half. The mark of the *as* then was a double *Janus* on one side, and the beak of a ship on the other; of the *triens* and *quadrans*, a boat, (*rates*); whence they are sometimes called *RATITI*, *Festus*; *Plin.* *ibid.*

In the second Punic war, while *Fabius* was dictator, the *asses* were made to weigh only one ounce, (*unciales*); and afterwards, by the law of *Papirius*, *A. U.* 563. half an ounce, (*semunciales*), *Plin.* 33. 3.

The

The sum of three *asses* was called *treffis*; of ten *asses*, *decussis*; of twenty, *viceffis*; and so on to a hundred, *CENTUSSIS*, *Varr. L. L.* iv. 36. viii. 49.; *Perf.* v. 76. 191.; *Gell.* xv. 15.; *Macrob. Sat.* ii. 13. but there were no such coins.

The silver coins were *DENARIUS*, the value of which was ten *asses* or pounds of brass, (*Deni æris*, sc. *asses*), marked with the letter X.; *QUINARIUS*, five *asses*, marked V.; and *SESTERCIUS*, two *asses* and a half, (*quasi sesquiertius*), commonly marked by the letters L. L. S. for *Libra libra semis*; or by abbreviation, H. S.; and often called absolutely *NUMMUS*, because it was in most frequent use, *Cic. Verr.* iii. 60. & 61.

The impression on silver coins, (*nota argenti*), was usually on one side, carriages, drawn by two or four beasts, (*bigæ vel quadrigæ*); whence they are called *BIGATI* and *QUADRIGATI*, sc. *nummi*, *Plin.* xxxiii. 3.; *Liv.* xxiii. 15. xxii. 52.; and on the reverse, the head of *Roma* with an helmet.

On some silver coins was marked the figure of victory, hence called *VICTORIATI*; *Cic. Font.* 5. *Quinctil.* vi. 3. stamped by the *Clodian* law, *Plin.* 33. 3. of the same value with the *quinarii*.

From every pound of silver were coined 100 *denarii*; so that at first a pound of silver was equal in value to a thousand pounds of brass. Whence we may judge of the scarcity of silver at that time in Rome. But afterwards the case was altered. For when the weight of the *as* was diminished, it bore the same proportion to the *denarius* as before, till it was reduced to one ounce; and then a *denarius* passed for sixteen *asses*, (except in the military pay, in which it continued to pass for ten *asses*, at least under the republic, *Plin.* 33. 3. for in the time of *Tiberius* it appears no such exception was made, *Tacit. Ann.* 1. 17.) a *quinarius* for eight *asses*, and a *sestertius* for four; which proportion continued when the *as* was reduced to half an ounce, *Plin. ibid.* Hence *argentum ære solutum*, i. e. an *as* for a *sestertius*, or the fourth part, *Sall. Cat.* 33. See p. 45.

But the weight of the silver money also varied, and was different under the emperors from what it had been under the republic.

Varro mentions silver coins of less value: *LIBELLA*, worth an *as*, or the tenth part of a *denarius*; *SEMBELLA*, (quasi *semilibella*), worth half a pound of brass, or the twentieth part of a *denarius*, and *TERUNCIVS*, the fortieth part of a *denarius*, Varr. de ling. Lat. iv. But Cicero puts the *libella* for the smallest silver coin, *Verr.* ii. 10. *Rosc. C.* 4. as well as the *teruncius*, *Fin.* iii. 14. *Att.* v. 20. *Fam.* ii. 17.; this, however, he does only proverbially.

A golden coin was first struck at Rome in the second Punic war, in the consulship of C. Claudius Nero and M. Livius Salinator, A. U. 546, called *AUREUS*, or *aureus nummus*, equal in weight to two *denarii* and a *quinarius*, and in value to twenty-five *sestertii*, or 100 *sestertii*, *Suet. Oth.* 4. *Tacit. Hist.* i. 24. Hence the fee allowed to be taken by a lawyer is called by *Tacitus* *dena sestertia*, *Ann.* xi. 7.; by *Pliny* *decem millia*, *sc.* H. S. *Ep.* v. 21. and by *Ulpian* *CENTUM AUREI*. *D.* i. 12. *de extr. cognit.* See p. 191.

The common rate of gold to silver under the republic was tenfold; (*ut pro argenteis decem aureus unus valeret*), *Liv.* 38. 11. But *Julius Cæsar* got so much gold by plundering, that he exchanged it (*promercale divideret*) for 3000 *sestertii*, or 750 *denarii* the pound; i. e. a pound of gold for $7\frac{1}{2}$ pounds of silver, *Suet. Cæs.* 54.

The *aureus* in later ages was called *SOLIDUS*, but then greatly inferior, both in weight and beauty, to the golden-coins struck under the republic and first emperors, *Lamprid. in Alex.* 39.

At first forty *aurei* were made from a pound of gold, with much the same images as the silver coins. But under the later emperors they were mixed with alloy; and thus their intrinsic value diminished. Hence a different number of *aurei* were made from a pound of gold at different times, under *Nero* 45, *Plin.* 33. 3. but under *Constantine* 72.

The

The emperors usually impressed on their coins their own image. This was first done by Julius Cæsar, according to a decree of the senate, *Dio. 41.*

The essay or trial of gold was called OBRUSSA, *Cic. Brut. 74. Senec. ep. 13.*; hence *aurum ad obrussam*, sc. *exactum*, the purest gold, *Suet. Ner. 44.* ARGENTUM PUSTULATUM, the finest silver, *Ibid. Martial. vii. 85. vel purum putum, Gell. vi. 5.*; ARGENTUM infectum vel rude, bullion, unwrought or uncoined silver; factum, plate; signatum, coined silver, *Liv. 34. 52.*; NUMMUS asper, new-coined, *Suet. ib. Senec. ep. 19.*; vetus vel tritus, old, &c.

Some coins were indented, (*serratii*), *Tacit. de Mor. German. 5.*

Besides the ordinary coins, there were various medals struck to commemorate important events, properly called MEDALLIONS; for what we commonly term *Roman medals*, were their current money. When an action deserved to be recorded on a coin, it was stamped and issued out of the mint.

Money was coined in the temple of *Juno MONETA*; whence *money*. The consuls at first are thought to have had the charge of it. But particular officers were afterwards created for that purpose. *See p. 155.*

There are several Grecian coins mentioned by Roman writers, some of them equal to Roman coins, and some not: DRACHMA, equal to a *denarius*; but some make it to be as nine to eight; MINA, equal to 100 *drachmæ*, or to a Roman *libra* or pound of silver, *Plin. 21. 34.*; TALENTUM, equal to sixty *minæ*, or Roman pounds; TETRADRACHMA vel -um, equal to four *drachmæ* or *denarii*, as its name imports, *Liv. 37. 46. Cic. Fam. xii. 13.*; but Livy, according to the common reading, makes it three *denarii*, *Liv. 34. 52.*; OBOLUS, the sixth part of a *denarius* or *drachma*, *Plin. 21. 34.*

Method of Computing MONEY.

The Romans usually computed sums of money by SESTERTII or SESTERTIA. *Sestertium* is the name of a sum, not of a coin.

When a numeral noun is joined with *sestertii*, it means just so many sesterces; thus, *decem sestertii*, ten sesterces: but when it is joined with *sestertia*, it means so many thousand *sestertii*; thus, *decem sestertia*, ten thousand sesterces.

SESTERTIUM, *Mille sestertii*, *mille nummi*, v. *sestertii nummi*; *mille sestertiūm*, *mille nummum* vel *sestertiūm nummum*; *mille H. S.* vel *H. S.*; 2500 *aris*, sc. *asses*; 250 *denarii* vel *drachmæ*, denote the same sum.

When a numeral adverb is joined to *sestertium*, it means so many hundred thousand *sestertii*; thus, *quadragies sestertium* is the same with *quadragies centena millia sestertiorum nummorum*, or *quater millies mille sestertii*, four millions of *sestertii*. Sometimes the adverb stands by itself, and denotes the same thing; thus, *decies*, *vicies* vel *vigesies*, sc. *sestertium*; expressed more fully, *decies centena*, sc. *millia sestertiūm*, Horat. Sat. 1. 3. 15. Juvenal. x. 335. and completely, Cic. Verr. 1. 10. So also in sums of brass, *decies aris*, sc. *centena millia assium*, Liv. 24. 11. For when we say *deni aris*, *centum aris*, &c. *asses* is always to be supplied.

When sums are marked by letters, if the letters have a line over them, *centena millia* is understood, as in the case of the numeral adverbs; thus, H. S. M. C. signifies the same with *millies centies*, i. e. 110,000,000 *sestertii* or *nummi*, L. 888,020 : 16 : 8; whereas H. S. M. C. without the cross line, denotes only 1100 *sestertii*, L. 8, 17 s. 7½ d.

When the numbers are distinguished by points in two or three orders, the first towards the right hand signifies units, the second thousands, and the third hundred thousands; thus, III. XII. D C. H S. denotes 300,000;

12,000,

12,000, and 600 H. S.; in all making 312,600 *sestertii*, L. 5047:3:9.

Pliny says, xxxiii. 3. that seven years before the first Punic war, there was in the Roman treasury *auri pondo XVI. DCCCX, argenti pondo, XXII. LXX. et in numerato, LXII. LXXV. CCCC.* that is, 16810 pounds of gold, 22070 pounds of silver, and in ready money 6,275,400 *sestertii*, L. 50,741:10:2½. But these sums are otherwise marked thus, *auri pondo XVI. M. DCCCX; argenti XXII. M. LXX. et in numerato LXII. LXXV. M. CCCC.*

When *sestertium* neut. is used, *pondo* is understood, that is, two pounds and a half of silver, or a thousand *sestertii*, Liv. xxii. 23.

When H. S. or *sestertium* is put after *decem millia* or the like, it is in the genitive plural for *sestertiorum*, and stands for so many *sestertii*, which may be otherwise expressed by *decem sestertia*, &c. But *sestertium*, when joined with *decies* or the like, is in the nominative or accusative singular, and is a compendious way of expressing *decies centies sestertium*, i. e. *decies centum vel decies centena millia sestertium v. sestertiorum*.

The Romans sometimes expressed sums by talents; thus, *decem millia talentum*, and *sestertium bis millies et quadringenties*, are equivalent, Cic. Rabir. Post. 8. So 100 talents and 600,000 *denarii*, Liv. 34. 50. — or by pounds, (*LIBRÆ pondo*, i. e. *pondere* in the ablative, for these words are often joined, as we say pounds in weight; and when *PONDO* is put by itself as an indeclinable noun, for a pound or pounds; it is supposed even then by the best critics to be in the ablative, and to have *libra* or *libræ* understood. See Gronovius de pec. vet.) Plaut. Pseud. iii. 2. 27. Rud. iv. 2. 9. Men. iii. 3. 3. & 18. Macrob. Sat. iii. 15. Columel. xii. 20. 28. Liv. xxvi. 47. iii. 29. iv. 20. xxii. 23. Gell. ii. 24. xx. 1. Cic. Cluent. 64. Inuent. ii. 40. Parad. iii. 1.

The Roman *libra* contained twelve ounces of silver, and was worth about L. 3 Sterling; the *talent*, nearly L. 193.

But the common computation was by *sestertii* or *nummi*.

A SESTERTIUS is reckoned to have been worth of our money one penny $3\frac{1}{2}$ farthings; a QUINARIUS or *victoriatas*, 3 d. $3\frac{1}{2}$ q.; a DENARIUS, 7 d. 3 q.; the AUREUS, or gold coin, 16 s. $1\frac{1}{2}$ d.; SESTERTIUM, or a thousand *sestertii*, L. 8:1:5 $\frac{1}{2}$.

Hence we may form some notion of certain instances on record of Roman wealth and luxury.

Craffus is said to have possessed in lands *bis millies*, i. e. L. 1,614,583:6:8, besides money, slaves, and household-furniture, *Plin.* 33. 10. which may be estimated at as much again, (*alterum tantum*). In the opinion of Craffus, no one deserved to be called rich who could not maintain an army, *Cic. Off.* 1. 8. or a legion, *Plin.* 33. 10.—Seneca, *ter millies*, L. 2,421,875, *Tacit. Ann.* xiii. 42.—Pallas, the freedman of Claudius, an equal sum, *Id.* xii. 53.—Lentulus the augur, *quater millies*, L. 3,229,166:13:4. *Senec. de benef.* ii. 27.—C. Cæcilius Claudius Isidorus, although he had lost a great part of his fortune in the civil war, left by his will 4116 slaves, 3600 yoke of oxen, 257,000 of other cattle, in ready money, H. S. *sexcenties*, L. 484,375, *Plin. ib.*

Augustus received by the testaments of his friends *quater decies millies*, L. 32,291,666:13:4, *Suet. Aug. ult.*

Tiberius left at his death *vigesies septies millies*, L. 21,796,875, which Caligula lavished away in less than one year, *Suet. Cal.* 37.

Vespasian, at his accession to the empire, said, that to support the commonwealth, there was need of *quadringsenties millies*, L. 322,916,666:13:4, an immense sum! more than the national debt of Britain! *Suet. Vesp.* 16.

The debt of Milo is said to have amounted to H. S. *septingsenties*, L. 565,104:3:4, *Plin.* 36. 15.

Cæsar, before he enjoyed any office, owed 1300 talents, L. 251,875, *Plutarch.* When, after his prætorship, he set out for Spain, he is reported to have said, *Bis millies et quingsenties sibi deesse, ut nihil haberet*, i. e. That he was L. 2,018,229:3:4 worse than nothing.

A sum hardly credible! *Appian*. When he first entered Rome in the beginning of the civil war, he took out of the treasury L. 1,095,979, *Plin.* 33. 3.

Antony, at the Ides of March, when Cæsar was killed, owed *quadringenties*, L. 322,916: 13: 4, which he paid before the kalends of April, *Cic. Phil.* ii. 37.

Cicero at first charged Verres with having plundered the Sicilians of *sestertium millies*, In Cæcil 5. but afterwards exacted only *quadringenties*, *Actio* in Verr. 18.

Apicius wasted on luxurious living *sexcenties sestertium*, L. 484,375; and being at last obliged to examine the state of his affairs, found that he had remaining only *sestertium centies*, L. 80,729: 3: 4; a sum which he thought too small to live upon, and therefore ended his days by poison. *Senec. consol. ad Helv.* 10. *Martial* iii. 22.

Pliny says, that in his time, Lollia Paulina wore in full dress, jewels to the value of *quadrages sestertium*, L. 32,281: 13: 4. *Plin.* ix. 35.

Julius Cæsar presented Servilia, the mother of M. Brutus, with a pearl worth *sexages sestertio*, L. 48,417, 10 s. *Suet. Cæs.* 50. Cleopatra at a feast with Antony swallowed a pearl dissolved in vinegar worth *sexcenties*, *H. S.* L. 484,375, *Plin. ibid.*; *Macrob. Sat.* ii. 13. Clodius, the son of Æsopus, the tragedian, swallowed one worth *decies*, L. 8072: 18: 4, *Val. Max.* ix. 1. 2.; *Horat. Sat.* ii. 3. 239. So Caligula, *Suet.* 37.

A single dish of Æsop's, is said to have cost 600 *sestertia*, L. 4843, 10 s. *Plin.* x. 51. xxxv. 12.

Caligula laid out on a supper, *centies*, *H. S.* L. 80,729, 3 s. 4 d. *Senec. de consol.*; and Heliogabalus, *trices*, *H. S.* L. 24,218, 15 s. *Lamprid.*

The ordinary expence of Lucullus for a supper in the hall of Apollo, was 50,000 *drachma*, L. 1614, 11 s. 8 d. *Plutarch. in Lucull.*

Even persons of a more sober character were sometimes very expensive. Cicero had a citron-table which cost him *H. S. decies*; and bought the house of Crassus with borrowed money for *H. S. xxxv. i. c. trices quinq uies*

quinquies, L. 24,218, 15 s. *Plin.* xiii. 15. vii. 38.; *Cic. Fam.* v. 6.

This house had first belonged to the Tribune M. Livius Drusus; who, when the architect promised to build it for him in such a manner, that none of his neighbours should overlook him, answered, "If you have any skill, contrive it rather so, that all the world may see what I am doing," *Vell. Pat.* ii. 14.

Messala bought the house of Autroninus for H. S. ccccxxxvii, *Cic. Att.* i. 13.

Domitius estimated his house *sexagies sestertio*, i. e. at L. 48,437, 10 s. *Val. Max.* ix. 1. 5. The house of Clodius cost *centies et quadragies octies*, L. 119,479, *Plin.* xxxvi. 15.

The fish-pond of C. Herrius was sold for *quadragies*, H. S. L. 32,291: 13: 4, *Plin.* ix. 55.; and the fish of Lucullus for the same sum, *Ibid.* 54.

The house-rent of middling people in the time of Julius Cæsar is supposed to have been *bina millia nummum*, L. 16: 2: 11. from *Suet. Cæs.* 38. That of Cælius was *xxx millia nummum*, L. 242: 3: 9, and thought high, *Cic. Cæl.* 7.

The value of houses in Rome rose greatly in a few years. The house of Marius, which was bought by Cornelia for $7\frac{1}{2}$ *myriads* of *drachmæ*, L. 2421: 17: 6, was not long after purchased by Lucullus for 50 *myriads* and 200 *drachmæ*, L. 16,152: 5: 10. *Plutarch. in Mario.*

The house of Lepidus, which in the time of his Consulship, was reckoned one of the finest in Rome; in the space of 35 years, was not in the hundredth rank, (*centesimum locum non obtinuit*), *Plin.* xxxvi. 15.

The villa of M. Scaurus being burnt by the malice of his slaves, he lost H. S. *millies*, L. 807,291: 13: 4, *Ibid.*

The golden house (*aurea domus*) of Nero must have cost an immense sum, since Otho laid out in finishing a part of it, *quingenties*, H. S. L. 403,645: 16: 8, *Plin. ibid.*

The

The Manner of Computing the Interest of MONEY.

The interest of money was called FOENUS, vel *fœnus*; or USURA, *fructus*, vel *impendium*; the capital, CAPUT or *fors*; also FOENUS, which is put for the principal as well as the interest, *Tacit. Ann. vi. 17.*; *Cic. Att. i. 12. v. 21. vi. 1. 2.*

When one *as* was paid monthly for the use of a hundred, it was called USURA CENTESIMA, because in an hundred months the interest equalled the capital; or ASSES USURÆ. This we call 12 *per cent. per annum*, as Pliny, *duodenis assibus debere vel mutuari*; *Ep. x. 62. v. 55.* which was usually the legal interest at Rome, at least towards the end of the Republic, and under the first Emperors. Sometimes the double of this was exacted, *binæ centesimæ*, 24 *per cent.*; and even 48 *per cent. quaternæ centesimæ*, *Cic. Vert. iii. 70.*; *Att. vi. 2.*

When the interest at the end of the year was added to the capital, and likewise yielded interest, it was called *Centesimæ renovatæ*; *Ibid.*; or ANATOCISMUS *anniversarius*, compound interest; *Id. v. 21.*; if not, *centesimæ perpetuæ*; or *fœnus perpetuum*; *Ibid.*

USURÆ *semisses*, six *per cent.*; *trientes*, four *per cent.*; *quadrantes*, three *per cent.*; *beses*, eight *per cent.*, &c. *Cic. Att. iv. 15.*; *Perj. v. 149.*; *usura legitima* vel *licita*, legal interest; *illicita* vel *illegitima*, illegal; *Digest. et Suet. Aug. 39.*

USURA is commonly used in the plural, and FOENUS in the singular.

The interest permitted by the 12 tables was only one *per cent.* FOENUS UNCIARIUM vel UNCIÆ USURÆ; *Tacit. Ann. vi. 16.* (See *Lex DUILIA MÆNIA*;) which some make the same with *usura centesima*; reduced, A. U. 408. to one half, FOENUS SEMUNCIIARUM; *Id. et Liv. vii. 27.*; but these, and other regulations, were eluded by the art of the usurers, (*Fœneratores*); *Cic. Att. vi. 1.*; *Off. ii. 24. and 25.*; *Sall. Cat. 33*; *Liv. viii. 28. xxxv. 7. 41.*

Professed

Professed bankers or money lenders were also called *MENSARII* vel *Trapezite*, *ARGENTARII*, *NUMMULARII*, vel *Gollybiste*; Liv. vii. 21.; Suet. Aug. 2. 3. 4.; Cic. Flacc. 19.; sometimes appointed by the public. Liv. xxiii. 21.

Roman MEASURES of length, &c.

The Romans measured length or distance by feet, cubits, paces, *stadia*, and miles.

The Romans, as other nations, derived the names of measure chiefly from the parts of the human body; *DIGITUS*, a digit, or finger's breadth; *POLLEX* a thumb's breadth, an inch; *PALMUS*, an hand's breadth, equal to (=) 4 *digiti* or 3 inches; *PES*, a foot, = 16 digits, or 12 inches; *PALMIPES*, a foot and an handbreadth; *CUBITUS*, a *cubit*, from the tip of the elbow, bent inwards, to the extremity of the middle finger, = $1\frac{1}{2}$ foot, the fourth part of a well proportioned man's stature; *PASSUS*, a pace, = 5 feet, including a double step, or the space from the place where the foot is taken up to that where it is set down, the double of an ordinary pace, *gradus* vel *gressus*. A pole ten feet long (*decempeda*) was called *PERTICA*, a perch, (*quasi Portica*, a portando.) The English perch or pole is $16\frac{1}{2}$ feet.

Each foot (*PES*) was divided into 4 *palmi*, or hand-breadths, 12 *pollices*, or thumb-breadths, and 16 *digiti*, or finger-breadths: Each *digitus* was supposed equal to 4 barley-corns, (*bordei grana*), *Frontin. de Aqued.* i. 2. But the English make their inch only three barley-corns.

The foot was also divided into 12 parts, denominated from the divisions of the Roman *as*; thus, *odrans*, vel *spithama*, 9 *pollices*, or *uncia*, inches, *Suet. Aug.* 79.; *Plin.* vii. 2.

A Cubit (CUBITUS, v. -um) was equal to a foot and a half, (*sesquipes*), 2 *spithamæ*, 6 *palmi*, 18 *pollices*, or 24 *digiti*.

PASSUS, a pace, was reckoned equal to 5 feet; *Plin.* 2. 23.; 125 *Passus* made a STADIUM or furlong; and 8 *Stadia* or 1000 paces, or 5000 feet, a mile, (MILLIARIUM, vel -re; vel MILLE, sc. -passus v. passuum; *Cic. Cæcin.* 10. *Att.* iii. 4. *Gell.* i. 16.)

The Greeks and Persians called 30 *stadia* PARASANGA; and 2 *parafangs*, *SCHOENOS*, *Herodot.* ii. 6.; but others differ, *Plin.* v. 10. xii. 14.

The Roman acre (JUGERUM, *quod uno iugo boum in die exarari posset*, *Plin.* 18. 3.) contained 240 feet in length, and 120 in breadth.

The half of an acre was called ACTUS QUADRATUS, consisting of 120 square feet; (ACTUS, *in quo boves agerentur cum aratro, uno impetu iusto vel protelo, i. e. tenore*, without stopping, or turning, *Plin.* 18. 3.; *Donat. in Ter. Phorm.* 1. 3. 36. *non frigantes*, without resting, *Plin. Id.* 19. f. 47.; *Senec. ep.* 31.; *Phædr.* iii. 6. 9.)

An English acre contains 40 perches or poles, or 660 feet in length, and four poles or 66 feet in breadth. The Scotch acre is somewhat more than one-fifth larger.

The JUGERUM was divided into the same parts as an AS; hence *uncia agri*, the 12th of an acre, *Varr. de R. R.* i. 10.

Roman MEASURES of Capacity.

The measure of capacity most frequently mentioned by Roman authors, is the AMPHORA, (*ex ἀμφορίῃ, quod vas ejus mensuræ utrinque ferretur, duabus ansis*), called also QUADRANTAL, or CADUS, and by the Greeks, *metreta* or *ceranium*, a cubic foot, containing 2 *urnæ*, 3 *modii*, 8 *congi*, 48 *sextarii*, and 96 *hemina*,

T t

or

or *cotyle*. But the Attic *amphora*, (*χάδος*, or *metrēta*), contained 2 *urnæ* and 72 *sextarii*.

The *amphora* was nearly equal to 9 gallons English, and the *sextarius* to one pint and a half English, or one mutchkin and a half Scotch.

A *sextarius* contained 2 *hemina*, 4 *quartarii*, 8 *acetabula*, and 12 *cyathi*, which were denominated from the parts of the Roman *as*; thus, *calices* or cups, were called *sextantes*, *quadrantes*, *trientes*, &c. according to the number of *cyathi* which they contained, See p. 441.

A *cyathus* was as much as one could easily swallow at once. It contained 4 *ligulæ* vel *lingulæ*, or *cochlearia*, spoonfuls, *Columel* xii. 21.; *Plin* xx. 5.; *Martial* xiv. 120.

CONGIUS, the eighth of an *amphora*, was equal to a cubic half foot, or to 6 *sextarii*. This measure of oil or wine, used anciently to be distributed by the magistrates or leading men among the people, *Liv* xxv. 2.; *Plin* xiv. 14. Hence CONGIARIUM, a gratuity or largess of money, corn, or oil, given to the people, *Liv* xxxvii. 57.; *Cic Phil* ii. 45.; *Suet. Caf.* 38. chiefly by the Emperors, *Tacit. Annal* xiii. 31.; *Suet. Caf.* 27.; *Aug.* 42.; *Tib.* 20.; *Dom.* 4. or privately to an individual, *Cic. Fam.* viii. 1.; *Att.* x. 7.; *Suet. Vesp.* 18.

A gratuity to the soldiers was called DONATIVUM, *Suet. Cal.* 46.; *Ner.* 7.; *Plin. paneg.* 25.; *Tacit. Annal.* xii. 41.; sometimes also *congiarium*, *Cic. Att.* xvi. 8.; *Curt.* vi. 2.

The *congiaria* of Augustus, from their smallness, used to be called HEMINARIA, *Quintil.* vi. 4.

The weight of rain water contained in an *amphora*, was 80 Roman pounds, in a *congius*, 10 pounds, and in a *sextarius*, 1 pound 8 ounces.

The greatest measure of things liquid among the Romans, was the CULEUS, containing 20 *amphoræ*.

Pliny says, the *ager Cæcubus*, usually yielded 7 *culei* of wine an *æcre*; i. e. 143 gallons $3\frac{1}{2}$ pints English, worth at the vineyard 300 *nummi*, or 75 *denarii* each *culeus*, i. e. L. 2 : 8 : $5\frac{1}{4}$, about a halfpenny the English pint, *Plin.* xiv. 4.; *Columell.* iii. 3.

MODIUS

MODIUS was the chief measure for things *dry*, the third part of a cubic foot, somewhat more than a peck English. A *modius* of Gallic wheat weighed about 20 *libre*, Plin. xviii. 7. Five *modii* of wheat used to be sown in an acre; six of barley and beans, and three of pease, *Ibid.* 24. Six *modii* were called MEDIMNUS, vel -um, an attic measure, *Nep. Attic.* 2.; *Cic. Verr.* iii. 45. 47. 49, &c.

ROMAN Method of WRITING.

Men in a savage state have always been found ignorant of alphabetic characters. The knowledge of writing is a constant mark of civilization. Before the invention of this art, men employed various methods to preserve the memory of important events, and to communicate their thoughts to those at a distance.

The memory of important events was preserved by raising altars, or heaps of stones, planting groves, instituting games and festivals; and what was most universal, by historical songs, *Tacit. Germ.* 2.

The first attempt toward the representation of thought was the painting of objects. Thus to represent a murder, the figure of one man was drawn stretched on the ground, and of another with a deadly weapon standing over him. When the Spaniards first arrived in Mexico, the inhabitants of the sea-coast gave notice of it to their Emperor Montezuma, by sending him a large cloth, on which was painted every thing they had seen.

The Egyptians first contrived certain signs or symbols, called *Hieroglyphics*, (from *hieros*, sacred, and *γλυφω*, to carve,) whereby they represented several things by one figure.

The Egyptians and Phœnicians contend about the honour of having invented letters, *Tacit. Ann.* xi. 14.; *Plin.* vii. 56.; *Lucan.* iii. 220.

Cadmus, the Phœnician, first introduced letters into Greece, near 1500 years before Christ, then only sixteen in number, α, β, γ, δ, ε, ι, κ, λ, μ, ν, ο, π, ρ, σ, τ, υ. To these, four were added by Palamedes, in the time of the Trojan war, ς, ζ, φ, χ; and four afterwards by Simonides, ξ, η, θ, ω.

Letters were brought into Latium by Evander from Greece, *Ibid.* & *Liv.* i. 7. The Latin letters at first were nearly of the same form with the Greek, *Tacit. ibid.*; *Plin.* vii. 58.

Some nations ranged their letters perpendicularly, from the top to the bottom of the page, but most horizontally. Some from right to left, as the Hebrews, Assyrians, &c. Some from right to left, and then from left to right, like cattle ploughing, as the ancient Greeks; hence this manner of writing was called *βυστροποδόν*. But most, as we do, from left to right.

The most ancient materials for writing, were stones and bricks, *Joseph. Ant. Jud.* i. 4.; *Tacit. Ann.* ii. 60.; *Lucan.* iii. 223. Thus the decalogue, or ten commandments, *Exod.* xxxiv. 1. and laws of Moses, *Deut.* xxvii. 8.; *Jos.* viii. 32.;—then plates of brass, *Liv.* iii. 57.; *Tacit. Ann.* iv. 43. or of lead, *Plin.* 13. 11. s. 21.; *Job* xix. 24. and wooden tablets, *Isaiah* xxx. 8.; *Horat. art. p.* 399. *Gell.* ii. 12. On these, all public acts and monuments were preserved, *Cic. Font.* 14.; *Liv.* vi. 29.; *Plin. pan.* 54.; *Horat. od.* iv. 8. 13. As the art of writing was little known, and rarely practised, it behoved the materials to be durable. Capital letters only were used, as appears from ancient marbles and coins.

The materials first used in common for writing, were the leaves or inner bark (*liber*) of trees; whence *leaves* of paper, (*charte, folia, vel plagula*), and LIBER, a book. The leaves of trees are still used for writing by several nations of India. Afterwards linen, *Liv.* iv. 7. 13. 20. and tables covered with wax were used. About

bout the time of Alexander the Great, paper first began to be manufactured from an Ægyptian plant or reed called PAPYRUS, vel -um, whence our word paper; or BIBLOS, whence βιβλος, a book.

The *Papyrus* was about 10 cubits high, and had several coats or skins above one another, like an onion, which they separated with a needle. One of these membranes (*phylæa*, vel *schedeæ*), was spread on a table longwise, and another placed above it across. The one was called *flamen*, and the other *subtēmen*, as the warp and the woof in a web. Being moistened with the muddy water of the Nile, which served instead of glue, they were put under a press, and after that dried in the sun. Then these sheets, (*plagulae*, vel *schedæ*), thus prepared, were joined together, but never more than twenty in what was called one SCAPUS, or roll.

The sheets were of different size and quality.

Paper was smoothened with a shell, or the tooth of a boar, or some other animal: Hence *charta dentata*, smooth, polished, *Cic. 2. fr. ii. 15.* The finest paper was called at Rome after Augustus, *AUGUSTA regia*; the next, *LIVIANA*; the third, *HIERATICA*, which used anciently to be the name of the finest kind, being appropriated to the sacred volumes. The Emperor Claudius introduced some alteration, so that the finest paper after him was called *CLAUDIA*. The inferior kinds were called *Amphitheatrica*, *Saitica*, *Leueotica*, from places in Ægypt where paper was made; and *FANNIANA*, from Fannius, who had a noted manufactory (*officina*) for dressing Ægyptian paper at Rome.

Paper which served only for wrappers, (*involucra*, vel *segestria*, *sing. -e*), was called *EMPORETICA*, because used chiefly by merchants for packing goods, *Plin. xiii. 12.*

Fine paper of the largest size was called *MACROCOLLA*, sc. *charta*, as we say, *royal*, or *imperial* paper, and any thing written on it, *MACROCOLLUM*, sc. *volumen*, *Ibid.* and *Cic. Att. xiii. 25. xvi. 3.*

The exportation of paper being prohibited by one of the Ptolemies, out of envy against Eumenes, king of Pergamus, who endeavoured to rival him in the magnificence of his library, the use of parchment, or the art of preparing skins for writing, was discovered at Pergamus, hence called PERGAMENA, sc. *charta*, vel MEMBRANA, parchment.

The skins of sheep are properly called *parchment*; of calves, VELLUM, (*quasi* VITULINUM, sc. *corium*).

Most of the ancient manuscripts which remain, are written on parchment, few on the *papyrus*.

Egypt having fallen under the dominion of the Arabs in the seventh century, and its commerce with Europe and the Constantinopolitan empire being stopt, the manufacture of paper from the *papyrus* ceased. The art of making paper from cotton or silk, (*charta bombycina*), was invented in the east about the beginning of the tenth century; and in imitation of it, from linen-rags in the fourteenth century. Coarse brown paper was first manufactured in England, A. 1588; for writing and printing, A. 1690; before which time, L. 100,000 are said to have been paid annually for these articles to France and Holland.

The instrument used for writing on waxen tables, the leaves or bark of trees, plates of brass or lead, &c. was an iron pencil, with a sharp point, called STILUS, or GRAPHIUM; on paper or parchment, a reed, sharpened and split in the point, like our pens, called CALAMUS, ARUNDO, vel *canna*, which they dipt in ink, (*atramento intingebant*), as we do our pens, *Cic. Att. vi. 8. ; Ad. 2. fr. ii. 15. ; Pers. iii. 11. ; Horat. Art. p. 446.*

SEPIA, the cuttle-fish, is put for ink, *Pers. ib.* because, when afraid of being caught, it emits a black matter to conceal itself, which the Romans sometimes used for ink, *Cic. de nat. D. ii. 20.*

The ordinary writing materials of the Romans were tablets covered with wax, paper, and parchment. Their
stilus

stilus was broad at one end; so that when they wished to correct any thing, they turned the *stilus*, and smoothed the wax with the broad end, that they might write on it anew: Hence *sæpe stilum veritas*, make frequent corrections, *Horat. Sat. i. 10. 72.*

An author, while composing, usually wrote first on these tables for the convenience of making alterations; and when any thing appeared sufficiently correct, it was transcribed on paper or parchment, and published, *Horat. Sat. ii. 3.*

The Romans used also a kind of blotting or coarse paper, or parchment, (*charta deletitia*), called PALIMSESTOS, (*a παλιν, rursus, et ϕαω, rado*), vel *palinxeſtus*, (*a ξιω, rado*), on which they might easily erase (*de- lere*) what was written, and write it anew, *Martial. xiv. 7.*; *Cic. Fam. vii. 18.* But it seems this might have been done on any parchment, *Horat. art. p. 389.*

The Romans used to have note-books, ADVERSARIA, (*-orum*), in which they marked down *memorandums* of any thing, that it might not be forgotten, until they wrote out a fair copy; of an account for instance, or of any deed, (*ut ex iis justæ tabulæ conficerentur*), *Cic. Rosc. Com. 2. & 3.*: Hence *referre in adversaria*, to take a memorandum of a thing, *Ibid.*

The Romans commonly wrote only on one side of the paper or parchment, and always joined (*agglutinabant*), one sheet (*ſcheda*) to the end of another, till they finished what they had to write, and then rolled it up on a cylinder or staff; hence VOLUMEN, a volume, or scroll; *evolvere librum*, to open a book, to read, *Cic. Tusc. i. 11.*; *Top. 9.*; *animi sui complicatam notionem evolvere*, to unfold, to explain, *Off. iii. 19.*

An author generally included only one book in a volume, so that usually in a work, there was the same number of volumes as of books. Thus Ovid calls his fifteen books of *Metamorphoses*, *mutatæ ter quinque volumina forma*, *Trist. i. 1. 117.* So *Cic. Tusc. iii. 3.*; *Att. ix. 10.*; *Fam. xvi. 17.* When the book was long, it was sometimes divided into two volumes;

lumes; thus, *STUDIOSI, tres*, i. e. three books on Rhetoric, *in sex volumina propter amplitudinem divisi*, Plin. ep. iii. 5. Sometimes a work, consisting of many books, was contained in one volume; thus, *Homerus totus in uno volumine*, i. e. forty-eight books, *Ulpian*, l. 52. D.; *de legat.* iii. Hence *annosa volumina vatum*, aged books, *Horat. ep.* ii. 1. 26. *Peragere volumina*, to compose, *Plin. ib.*

When an author, in composing a book, wrote on both sides (*in utraque pagina*) of the paper or parchment, it was called *OPISTOGRAPHUS*, vel -on, *Plin. ib.* i. e. *scriptus et in tergo*, (*ex ὀπίσθιον, a tergo, et γράφω, scribo*), *Juvenal* i. 1. 6.; *in charta averfa*, *Martial.* viii. 62.

When a book or volume was finished, a ball or boss (*bullæ*) of wood, bone, horn, or the like, was affixed to it on the outside, for security and ornament, (*ad conservationem et ornatum*), called *UMBILICUS*, from its resemblance to that part of the human body; hence, *Ad umbilicum adducere*, to finish, *Horat. epod.* 14. 8. *ad umbilicos pervenire*, *Martial.* iv. 91. Some suppose this ornament to have been placed in the middle of the roll, *Schol. in Horat.* but others, at the end of the stick, (*bacillus*, vel *furculus*), on which the book was rolled, or rather at both ends, called *CORNUA*, *Ovid. Trist.* i. 1. 8.; *Martial.* xi. 108.; hence we usually find *umbilici* in the plur. *Martial.* i. 67. iii. 2. v. 6. viii. 61.; and in *Stattius*, *Silv.* iv. 9. 8. *binis umbilicis decoratus liber*.

UMBILICUS is also put for the center of any thing, as *navel* in English; thus, *Delphi umbilicus Græciæ*, *Liv.* 35. 18.—41. 23.; *orbis terrarum*, *Id.* xxxviii. 47. So *Cic. Verr.* iv. 48.; *Plin.* iii. 13. s. 17.; and for a shell or pebble, *Cic. Orat.* ii. 6.

The Romans usually carried with them, where-ever they went, small writing tables, called *PUGILLARES*, vel -ia, (*quod non majores erant quam quæ pugno, vel pugillo comprehenderentur, vel quod in iis stilo pun- gendo*

gendo *scribebatur*), by Homer, *πινυμι*, *Il.* vi. 169. hence said to have been in use before the time of the Trojan war, *Plin.* xiii. 11. on which they marked down any thing that occurred, *Plin. ep.* i. 6.; *Ovid. Met.* ix. 520. either with their own hand, *Plin.* viii. 9. or by means of a slave, called from his office, *NOTARIUS*, *Id.* iii. 5. or *TABELLARIUS*, *Cic. Phil.* ii. 4.

The *pugillares* were of an oblong form, made of citron, or boxwood, or ivory, also of parchment, covered with coloured or white wax, *Ovid. Amor.* i. 12. 7.; *Martial.* xiv. 3. containing two leaves, (*duplices*, *διπλοὶ*), three, four, five, or more, *Martial. ibid.* with a small margin, raised all around, as may be seen in the models of them, which still remain. They wrote on them (*exarabant*) with a *stilus*.

As the Romans never wore a sword or dagger in the city, they often upon a sudden provocation, used the *graphium* or *stilus*, as a weapon, *Suet. Cas.* 82.; *C.* 28.; *Cl.* xv. 35.; *Senec. de clem.* i. 14. which they carried in a case, (*theca calamaria*, aut *graphiaria*, vel *graphi-arium*), *Martial* xiv. 21. Hence probably the *filetto* of the modern Italians.

What a person wrote with his own hand, was called *CHIROGRAPHUS*, vel *-um*, *Cic. Fam.* xii. 1. xvi. 21.; *Suet. Jul.* 17.; *Aug.* 87. which also signifies one's hand or hand-writing, *Cic. Phil.* ii. 4.; *Fam.* ii. 13. x. 21.; x. 21.; *Att.* ii. 20.; *Nat. D.* ii. 74. *Versus ipsius chirographo scripti*, with his own hand, *Suet. Ner.* 52. *Chirographum alicujus imitari*, *Id.* *Aug.* 64.; *Tit.* 3.

But *chirographum* commonly signifies a bond or obligation which a person wrote, or subscribed with his own hand, and sealed with his ring, *Juvenal.* xiii. 137.; *Suet. Cal.* 11.; but when the obligation was signed by both parties, and a copy of it kept by each, as between an undertaker and his employer, &c. it was called *SYNGRAPHIA*, *-us*, vel *um*, *Ascon. in Verr.* i. 36.; *Plaut. Afin.* iv. 1. which is also put for a passport or furlough, *Plaut. Capt.* ii. 3. 90.

A place where paper and instruments for writing, or books were kept, was called *SCRINIUM*, *vel CAPSA*, an escritoir, a box or case, (*arcula*, *vel locus*), *Horat. Sat. i. 1. f. 4. 22.* and *x. 63.* commonly carried by a slave, who attended boys of rank to school; *Juvenal. x. 117.* called *CAPSARIUS*, *Suet. Ner. 36.* or *LIBRARIUS*, *Id. Cl. 35.* together with the private instructor, *PÆDAGOGUS*, *Ib. d.*; also for the most part of servile condition, distinguished from the public teacher, called *PRÆCEPTOR*, *Plin. ep. iv. 13.* *DOCTOR*, *vel MAGISTER*, *Id. paneg. 47.* but not properly *DOMINUS*, unless used as a title of civility, as it sometimes was, *Suet. Cl. 21.*; *Tacit. Ann. ii. 87.* especially to a person whose name was unknown or forgotten, as *Sir* among us, *Senec. ep. iii. 47.* Augustus would not allow himself to be called *DOMINUS*, *Suet. 53.* nor Tiberius, *Id. 27.*; because that word properly signifies a *master of slaves*, (*qui domi præest, vel imperat*), *Ter. Eun. iii. 2. 33.* An under-teacher was called *HYPODIDASCULUS*, *Cic. Fam. ix. 18.*

Boys of inferior rank carried their satchels and books themselves, (*levo suspensi loculos tabulamque lacerto*), *Hor. Sat i. 6. 74.*

When a book was all written by an author's own hand, and not by that of a transcriber, (*manu librarii*), it was called *AUTOGRAPHUS*, *Suet. Aug. 71. 87.* or *Idiographus*, *Gell. ix. 14.*

The memoirs which a person wrote concerning himself, or his actions, were called *COMMENTARII*, *Cæs. & Cic.*; *Brut. 75.*; *Suet. Cæs. 56.*; *Tib. 61.*; also put for any registers, memorials, or journals, *Cic. Fam. v. 12. f. viii. 11.*; *Ph. l. i. 1.*; *Verr. v. 21.*; *Liv. i. 32. xlii. 6.*; *Suet. Aug. 64.*; *Plin. x. 106.* Memorandums of any thing, or extracts of a book, were called *Hypomnēmata*, *Cic. Att. xvii. 14. 21.*

When books were exposed to sale by booksellers, (*bi- bliopole*), they were covered with skins, smoothed with pumice stone, *Horat. ep. i. 20.*

When

When a book was sent any where, the roll was tied with a thread, and wax put on the knot, and sealed; hence *signata volumina*, Hor. ep. i. 13. So letters, Cic. Cat. iii. 5. The roll was usually wrapt round with coarser paper, or parchment, Plin. xiii. 11. or with part of an old book; to which Horace is thought to allude, Ep. i. 20. 13. Hence the old Scholiast on this place, *Fient ex te opistographa literarum*, so called, because the inscription written on the back, shewed to whom the letter or book was sent.

Julius Cæsar, in his letters to the senate, introduced the custom of dividing them into pages, (*pagina*), and folding them in the form of a pocket book, or account-book, (*libellus memorialis*, vel *rationalis*), with distinct pages, like our books; whereas formerly Consuls and Generals, when they wrote to the senate, used to continue the line quite a cross the sheet, (*transversa charta*), without any distinction of pages, and roll them up in a volume, Suet. Cæs. 56.: Hence after this, all applications or requests to the Emperors, and messages from them to the senate, or public orders to the people, used to be written and folded in this form, called LIBELLI, See p. 23.; Suet. Aug. xlv. 53.: Tib. xviii. 66.; Cl. 15.; N. 15.; Domit. 17.; Martial. viii. 31. 82.; or CODICILLI, Tacit. Ann. xvi. 24.; Suet. Tib. xxii. 42.; Cal. 18.; Cl. 29. rarely used in the sing. applied chiefly to a person's last will, See p. 61.; also to writing tables, the same with *pugillares*, or to letters written on them, Cic. Phil viii. 10.; Fam. iv. 12. vi. 18. ix. 26.; Q. fr. ii. 11.; Suet. Cl. 5.; N. 49.

A writ conferring any exclusive right or privilege was called DIPLOMA, (i. e. *libellus duplicatus*, vel *duorum foliorum*, consisting of two leaves, written on one side), granted by the Emperor, or any Roman magistrate, similar to what we call Letters-patent, i. e. open to the inspection of all, or a *patent*, Cic. Fam. vi. 12.; Att. x. 17.; Pis. 37.; Senec. ben. vii. 10.; Suet. Aug. 50.; Cal. 38.; Ner. 12.; Oth. 7. given particularly to public couriers, or to those who wished to get the use of
the

the public horses or carriages for dispatch, *Plin. ep. x. 121.*

Any writing, whether on paper, parchment, tablets, or whatever materials, folded like our books, with a number of distinct leaves above one another, was called CODEX, (*quasi CADEX, plurium tabularum contextus*, *Senec. de brev. vit. 13.*; *Cic. Verr. i. 36. 46.*; & *Ascon. in loc.* particularly account-books; *tabule*, vel CODICES, *accepti et expensi*, *Cic. Rosc. Com. i. 2.* &c; *Verr. ii. 61. libri or libelli*. Thus we never say, *liber* and *volumen*, of the same thing, *Quintil. ix. 4. f. Liber grandi volumine*, *Gell. xiv. 6.* but not *codex*. *Legere vel recitare suum codicem*, the crime of the Tribune Cornelius, who read his own law from a book in the assembly of the people, when the herald and secretary, whose office that was, *See p. 93. & 177.* were hindered to do it by the intercession of another Tribune, *Ascon. in Cornel*; *Cic. Vat. 2.*; *Quintil. iv. 4.* Hence, in after times, *Codex* was applied to any collection of laws, *See p. 228.*

All kind of writings were called LITERÆ, *Cic. passim*: Hence QUAM VELLEM NESCIRE LITERAS, I wish I could not write, *Suet. Ner. 10.*; *Senec. clem. 1.* but *literæ* is most frequently applied to epistolary writings, (EPISTOLÆ, vel *chartæ epistolares*), *Cic.* used in this sense by the poets, also in the sing. *Ovid. Pont. i. 7. ii. 7. iv. 8.*; so in a negative form, *Cic. Att. xiii. 39.*; *Fam. ii. 17.*; *Arch. 8.*; *Verr. i. 36.* or for one's hand-writing, (*manus*), *Cic. Att. vii. 2.* But in prose, *litera* commonly signifies a letter of the alphabet.

EPISTOLA was always sent to those who were absent, *Cic. 2. fr. i. 1. 13. iii. 1. 3.*; *Fam. i. 7. ii. 4.* CODICILLI, also given to those present, *Tacit. Ann. iv. 39.*; *Senec. ep. 55.* So LIBELLI, *Suet. Aug. 84.*

The Romans, at least in the time of Cicero, divided their letters, if long, into pages, *Cic. Att. vi. 2.*; *2. fr. i. 2. 3.*; *Fam. ii. 13. xi. 25.* and folded them in the form of a little book, *Senec. ep. 45.* tied them round with a thread, (*lino obligabant*), *Cic. Cat. iii. 5.*

as anciently, *Nep. Paus.* 4.; *Curt.* vii. 2.; covered the knot with wax, or with a kind of chalk, (*creta*), *Cic. Flacc.* 16.; *Verr.* iv. 26. and sealed it, (*obsignabant*), *Plaut. Bacch.* iv. 4. 64. 96. first wetting the ring with spittle, that the wax might not stick to it, *Ovid. Trist.* v. 4. 5.; *Amor.* ii. 15. 15.; *Juvenal.* i. 68.: Hence *epistolam vel literas resignare, aperire, vel solvere*, to open, *Nep. Hann.* 11.; *Cic. Att.* xi. 9.; *resolvere*, *Liv.* xxvi. 15.

In writing letters, the Romans always put their own name first, and then that of the person to whom they wrote, *Auson. ep.* 20. sometimes with the addition of SUO, as a mark of familiarity or fondness, *Cic. & Plin.*; *Martial.* xiv. 11.; if he was invested with an office, that likewise was added; but no epithets, as among us, unless to particular friends, whom they sometimes called *Humanissimi, optimi, dulcissimi, animæ suæ*, &c.

They always annexed the letter S for SALUTEM, sc. *dicat*, wishes health; as the Greeks, *χαίρειν*, or the like: So Horace, *Ep.* i. 8.: Hence *salutem alicui mittere*, *Plaut. Pseud.* i. 1. 39.; *Ovid. Her.* xvi. 1. *multam*, vel *plurimam dicere, adscribere, dare, impertire, nuntiare, referre*, &c. as we express it, *to send compliments*, &c. *Cic. Fam.* xiv. 1.; *Att.* xvi. 3.

They used anciently to begin with, SI VALES, BENE EST, vel GAUDEO, EGO VALEO, *Senec. ep.* 15.; *Plin. ep.* i. 11. which they often marked with capital letters, *Hirt. B. Hisp.* 26. They ended with VALE, *Ovid. Trist.* v. 13. 33.; CURA UT VALEAS; sometimes AVE or SALVE; to a near relation, with this addition, MI ANIME, MI SUAVISSIME, &c. They never subscribed their name, as we do, but sometimes added a prayer for the prosperity of the person to whom they wrote; as, *Deos obsecro ut te conservent*, *Suet. Tib.* 21. which was always done to the Emperors, *Dio.* 57. and called SUBSCRIPTIO, *Suet. Tib.* 32. The day of the month, sometimes the hour, was annexed, *Suet. Aug.* 50.

Letters were sent by a messenger, commonly a slave, called TABELLARIUS, *Cic.* for the Romans had

no established post. There sometimes was an inscription on the outside of the letter, sometimes not, *Plutarch. in Dione.*

The Romans had slaves or freed-men who wrote their letters, called *AB EPISTOLIS*, *Suet. Cl. 28.* *A MANU*, vel *AMANUENSES*), *Suet. Caf. 74.*; *Aug. 67.*; *Vesp. 3.*; *Tit. i. 3.*; and accounts, (*A RATIONIBUS*, vel *ratiocinatores*, *Cic. Att. i. 12.*; *Suet. Cl. 28.*); also who wrote short-hand, (*ACTUarii*, *Suet. Jul. 55.* vel *NOTarii*, *Seu. ep. 90.* sometimes put for *amanuenses*, *Plin. ep. ix. 36.*) who transcribed their books, (*LIBRarii*), *Cic. Att. xii. 3.*; *liv. xxxviii. 55.*; who glued them, (*GLUTINATORES*, *Cic. Att. iv. 4.* vulgarly called *librorum concinnatores* vel *compactores*, βιβλιοπῆγδοι, book-binders); polished them with pumice stone, (*pumice poliebant*, vel *levigabant*, *Ovid. Trist. i. 1. 11. iii. 1. 13.*); anointed them with the juice of cedar, (*cedro illinebant*), to preserve them from moths and rottenness, (*a tineis et carie*), *Ibid. 3.* *Plin. xiii. 12.*; *Martial. iii. 2. v. 6. viii. 61.*: (Hence *carmina cedro linenda*, worthy of immortality, *Horat. art. p. 332.* So *Perf. i. 42.*) and marked the titles or *index* with vermilion, (*MINIUM*, v. *cinnabaris*, *Ovid. ibid.*; *Plin. xxxiii. 7.*); purple, (*coccus*, vel *purpura*), *Martial. ib.*; red-earth, or red-ockre, (*rubrica*), See p. 228. who took care of their library, (*A BIBLIOTHECA*), *Cic. Fam. xiii. 77.*; assisted them in their studies, (*A STUDIIS*, *Suet. Cal. 28.*); read to them, (*ANAGNOSTÆ*, sing. *es*, *Cic. Att. i. 12.*; *Fam. v. 9.*; *Nep. Att. 14.*; *LECTORES*, *Suet. Aug. 78.*; *Plin. ep. viii. 1.*)

The freed-men, who acted in some of these capacities under the Emperors, often acquired great wealth and power. Thus Narcissus, the secretary (*ab epistolis*, vel *secretis*) of Claudius, and Pallas, the comptroller of his household, (*a rationibus*), *Suet. Cl. 28.* So the master of requests, (*a libellis*), *Suet. Dom. 14.*; *Tacit. Ann. xv. 35. xvi. 8.*

The place where paper was made, was called *OFFICINA chartaria*, *Plin. xviii. 10.*; where it was sold, *TABERNA*; and so *OFFICINÆ ARMORUM*, *Cic. Phil. vii.*

vii. 4.; CYCLOPUM, work-houses, *Horat.* i. 4. 8.; SAPIENTIÆ, *Cic. legg.* i. 13. *eloquentiæ*, vel *dicendi*, schools, *Id.*

A ware-house for paper, or books, or any merchandise, APOTHECA; a bookseller's shop, TABERNA LIBRARIA, *Cic. Phil.* ii. 9. or simply *Libraria*, *Gell.* v. 4.; LIBRARIUM, a chest for holding books, *Cic. Mil.* 12.

The street in Rome, where chiefly booksellers (*bibliopola*) lived, was called ARGILETUS, *Mart.* i. 4.

LIBRARIES.

A great number of books, or the place where they were kept, was called BIBLIOTHECA, a library, *Festus*.

The first famous library was collected by Ptolemy Philadelphus at Alexandria in Egypt, B. C. 284. containing 700,000 volumes, *Gell.* vi. 17.; the next, by Attalus, or Eumenes, king of Pergamus, *Plin.* xiii. 12.

Adjoining to the Alexandrian library, was a building, called MUSEUM, (*i. e.* *specus*, vel *templum musis dicatum*), for the accommodation of a college or society, (*συνεδος*), of learned men, who were supported there at the public expence, with a covered walk and seats, (*exedrae*), where they might dispute, *Strab.* 17. An additional *musæum* was built there by Claudius, *Suet. Cl.* 42. MUSEUM is used by us for a repository of learned curiosities.

A great part of the Alexandrian library was burnt by the flames of Cæsar's fleet, when he set it on fire to save himself, *Plutarch. in Cæs.* & *Dio.* 42. but neither Cæsar himself nor Hirtius mention this circumstance. It was again restored by Cleopatra, who, for that purpose, received from Antony the library of Pergamus,

then consisting of 200,000 volumes, *Plutarch. in Anton.* It was totally destroyed by the Saracens, A. 642.

The first public library at Rome, and in the world, as Pliny observes, was erected by Asinius Pollio, *Plin. vii. 30. xxxv. 2.* in the *Atrium* of the temple of Liberty, *Ovid. Trist. iii. 1. 71.* on mount Aventine, *Mart. xii. 3. 5.*

Augustus founded a Greek and Latin library in the temple of Apollo on the Palatine hill, *Suet. 29.*; and another, in name of his sister Octavia, adjoining to the theatre of Marcellus, *Plut. in Marcell.*; *Ovid. Trist. iii. 1. 60. & 69.*

There were several other libraries at Rome; in the Capitol, *Suet. Dom. 20.*; in the temple of peace, *Gell. xvi. 8.*; in the house of Tiberius, *Gell. xiii. 18. &c.* But the chief was the *Ulpian* library, instituted by Trajan, *Gell. xi. 17.* which Dioclesian annexed as an ornament to his *Therma*, *Vopisc. in Prob. 2.*

Many private persons had good libraries, *Cic. Fam. vii. 28.*; *Q. fr. iii. 4.*; *Att. iv. 10.*; *Plutarch. in Lucull.*; *Senec. de tranq. 9.* particularly in their country villas, *Mart. vii. 16.*; *Plin. ep. ii. 17.*

Libraries were adorned with statues and pictures, *Suet. Tib. 70.*; *Plin. ep. iii. 70.*; *Juv. ii. 7.* the walls and roof with glasses, *Boeth. consol.*; *Plin. xxxvi. 25.*; *Senec. ep. 86.*; *Stat. silv. i. 5. 42.* The books were put in presses or cases, (*ARMARIA vel CAPSÆ*), along the walls, which were sometimes numbered, *Vopisc. Tac. 8.* called also *FORULI*, *Suet. Aug. 31.*; *Juvenal iii. 219.*; *LOCULAMENTA*, *Senec. tranq. 9.*; *NIDI*, *Martial. i. 118.*; but these are supposed by some to denote the lesser divisions of the cases.

The keeper of a library was called a *BIBLIOTHECA*; *Eiblicthecarius*, is used only by later writers.

HOUSES

HOUSES of the ROMANS.

The houses of the Romans are supposed at first to have been nothing else but cottages, (*case, vel tuguria*), thatched with straw; hence CULMEN, the roof of a house, (*quod culmis tegebatur*), *Serv. in Virg. Ecl. i. 6.*; *Æn. viii. 654.*

After the city was burnt by the Gauls, it was rebuilt in a more solid and commodious manner, but the haste in building prevented attention to the regularity of streets, *Liv. v. 55.*

The houses were reared every where without distinction, (*nulla distinctione passim erectæ*), *Tacit. Ann. xv. 43.* or regard to property, (*omisso sui alienique discrimine, adeo ut forma urbis esset occupata magis, quam divisæ similis*, where every one built in what part he chose, *Liv. ibid.*; and till the war with Pyrrhus, the houses were covered only with shingles, or thin-boards, (*SCANDULÆ, vel scindula, i. e. tabellæ in parvas laminas scissæ*), *Plin. xvi. 10.*

It was in the time of Augustus, that Rome was first adorned with magnificent buildings; hence that Emperor used to boast, that he had found it of brick, but should leave it of marble; *Marmoream se relinquere, quam lateritiâ accepisset*, *Suet. Aug. 29.* The streets, however, still were narrow and irregular, *Suet. Ner. 38.*; *Tacit. Ann. xv. 38.* and private houses not only incommodious, but even dangerous from their height, and being mostly built of wood, *Juvenal. iii. 193.* &c. *Scalis habito tribus, sed altis, three storeys high, Martial. i. 118.*

In the time of Nero, the city was set on fire, and more than two-thirds of it burnt to the ground: Of 14 quarters, (*regiones*), into which Rome was divided, on-

ly four remained entire, *Tacit. Ann.* xv. 40. Nero himself was thought to have been the author of this conflagration. He beheld it from the tower of Mæcenas, and delighted, as he said, with the beauty of the flame, played *the taking of Troy*, dressed like an actor, *Suet.* 38.; *Tacit. Ann.* xv. 39. 40. 44.

The city was rebuilt with greater regularity and splendour. The streets were made straight and broader. The areas of the houses were measured out, and their height restricted to 70 feet, as Augustus had done. Each house had a portico before it, fronting the street, and did not communicate with any other by a common wall as formerly. It behoved a certain part of every house to be built of Gabian or Alban stone, which was proof against fire, (*ignibus impervius*), *Tacit. Ann.* xv. 43.

These regulations were subservient to ornament as well as utility. Some, however, thought that the former narrowness of the streets, and height of the houses, were more conducive to health, as preventing by their shade the excessive heat, *Ibid.*

Buildings, in which several families lived, were called *INSULÆ*; houses in which one family lived, *DOMUS*, vel *ÆDES PRIVATÆ*, *Suet. Ner.* xvi. 38. 44.; *Tacit. Ann.* vi. 45. xv. 41. See p. 53.

We know little of the form either of the outside or inside of Roman houses.

The principal parts were,

1. *VESTIBULUM*, which was not properly a part of the house, but an empty space before the gate, through which there was an access to it, *Gell.* xvi. 5.; *Cic. Cæcin.* 12.; *Plaut. Most.* iii. 2. 130.

The vestibule of the golden palace (*aurea domus*) of Nero, was so large, that it contained three porticos, a mile long each, and a pond like a sea, surrounded with buildings like a city. Here also was a Colossus of himself, or statue of enormous magnitude, 120 feet high. See p. 322.

2. JANUA, *ostium*, vel *fores*, the gate, (*PORTA murorum et castrorum*; *JANUA parietis et domorum*), made of various kinds of wood, cedar or cypress, *Virg. G. ii. 442.* elm, oak, &c. *Ovid. Met. iv. 487.*; *Amor. ii. 1. 25.*; sometimes of iron, *Plaut. Pers. iv. 4. 21.* or brass, *Plin. xxxiv. 3.*; and, especially in temples, of ivory and gold, *Cic. Verr. iv. 56.*; *Plin. viii. 10.*

The gate was commonly raised above the ground, so that they had to ascend to it by steps, *Virg. Æn. ii. 492.*; *Senec. ep. 84.*

The pillars at the sides of the gates, projecting a little without the wall, were called *ANTÆ*, and the ornaments affixed to them, wrought in wood or stone, *ANTEPAGMENTA*. *Festus.*

When the gate was opened among the Romans, the folds (*VALVÆ*, *quod intus revolvantur*) bent inwards, unless it was granted to any one by a special law to open his door outwards, *Plin. xxxvi. 15.* after the manner of the Athenians, whose doors opened to the street, (*in publicum*); and when any one went out, he always made a noise, by striking the door on the inside, to give warning to those without, to keep at a distance: Hence *CREPUIT FORIS*, *Concrepuit a Glycerio ostium*, the door of Glycerium, is about to be opened, *Ter. And. iv. 1. 58.*; *Hec. iv. 1. 6.*; *Plaut. Amph. i. 2. 34.* This the Greeks called *πορτῖν δῶραν*; and knocking from without, *κροτῖν*, *pulsare* vel *pultare*.

■ A slave watched (*servabat*) at the gate as porter, (*JANITOR*), *Ovid. Fast. i. 138.*; hence called *OSTIARIUS*, *PUER AB JANUA*, *Nep. Han. 12.* *Claustritumus*, *Gell. xii. 10.* usually in chains, (*catenatus*), *Columel. pref.*; *Ovid. Am. i. 6. 1. & 25.* which when emancipated, he consecrated to the *Lares*, *Horat. i. 5. 65.* or to Saturn, *Mart. iii. 29.* armed with a staff or rod, (*arundo*, vel *virga*), *Senec. de Const. 14.* and attended by a dog, likewise chained, *Suet. Vit. 16.*; *Senec. de Ira. iii. 37.* On the porter's cell, was sometimes this inscription, *CAVE CANEM*, *Petron. 29.*

Dogs were also employed to guard the temples, *Cic. Sext.*

Sext. Rosc. 20. ; *Arnob.* vi. ; and because they failed to give warning, when the Gauls attacked the Capitol, *Liv.* v. 47. a certain number of them were annually carried through the city, and then impaled on a cross, *Plin.* xxix. 4.

Females also were sometimes set to watch the door, (JANITRICES), usually old women, *Plaut. Carc.* i. r. 76. ; *Tibull.* i. 7. 67. ; *Petron.* 55.

On festivals, the gates were adorned with green branches, flowers and lamps, *Juvenal.* xii. 91. ; as the windows of the Jews at Rome were on Sabbath, *Senec.* 95. ; *Perf.* v. 180.

The door, when shut, was secured by bars, (*obices*, *claustra*, *repagula*, *vec̄tes*, iron bolts, (*peffuli*), locks, (*sera*), and keys, (*claves*) : Hence *obdere peffulum foribus*, to bolt the door, *Ter. Heaut.* ii. 11. 37. ; *occludere ostium peffulis*, with two bolts, one below, and another above, *Plaut. Aul.* i. 2. 25. ; *uncinum immittere*, to fix the bolt with a hook ; *obserare fores*, vel *ostium*, to lock the door, *Ter. Eun.* iv. 5. 25. ; *seram ponere*, *Juvenal.* vi. 347. ; *opposita janua sulta sera*, lock'd, *Ovid. Art. A.* ii. 244. ; *referare*, to open, to unlock, *Ovid. Met.* x. 384. ; *excutere posse seram*, *Am.* i. 6. 24. &c. It appears, that the locks of the ancients were not fixed to the pannels (*impages*) of the doors with nails like ours, but were taken off when the door was opened : Hence, *et jaceat tacita lapsa catena sera*, *Prop.* iv. 12. 26.

Knockers (*marcu'i* v. *mallei*) were fixed to the doors, or bells (*tintinnabula*) hung up, as among us, *Suet.* Aug. 91. ; *Senec. de Ira.* iii. 35.

The porter usually asked those who knocked at the gate, who they were, *Cic. Phil.* ii. He admitted or excluded such as his master directed, *Suet. Oth.* 3. ; *Senec. ep.* 47. Sometimes he was ordered to deny his master's being at home, *Cic. Orat.* ii. 68. ; *Martial.* ii. 5. v. 23.

Besides the *janitor*, the Emperors and great men had persons who watched or kept guard in the vestibule, (*Excubiae*, ve *CUSTODIA*), *Tacit. Ann.* xv. 52. to which Virgil alludes, *Æn.* vi. 555. 574.

A door in the back part of a house was called POS-
TICUM, vel *posticum ostium*, *Flaut. Stich.* iii. 1. 40.;
Horat. ep. i. 5. 31.; that in the forepart, ANTICUM,
Festus.

3. The *Janua*, or principal gate, was the entrance to
the ATRIUM, or AULA, the court or hall, which
appears to have been a large oblong square, surrounded
with covered or arched galleries, (*porticus tectæ vel la-
queatæ*), *Auson. Edyll.* x. 49.

Three sides of the *Atrium* were supported on pillars,
in later times of marble, *Plin.* xvii. 1.—xxxvi. 2. & 3.

The side opposite to the gate was called TABLI-
NUM; and the other two sides, ALÆ, *Vitruv.* vi. 4.

The *tablinum* was filled with books, and the records
of what any one did in his magistracy, *Plin.* xxxv. 2.

In the *atrium*, the nuptial couch was erected, *See p.*
453.; the mistress of the family with her maid-servants,
wrought at spinning and weaving, *Cic. Mil.* 5.; *Nep-
præf.*

The ancient Romans used every method to encour-
age domestic industry in women. Spinning and weav-
ing constituted their chief employment.

To this the rites of marriage directed their attention,
See p. 452. Hence the frequent allusions to it in the
poets, *Virg. Æn.* viii. 408. ix. 488.; and the *atrium*
seems to have been the place appropriated for their
working, (*ex vetere more in atrio tela texebantur*, *Ascon.*
in Cic. pro Mil.), that their industry might be conspi-
cuous: Hence the qualities of a good wife, (*morigeræ
uxoris*); *probitas, forma, fides, summa pudicitia, lanificæque
manus*, *Auson. Parent.* ii. 3. xvi. 3. But in after times,
women of rank and fortune became so luxurious and in-
dolent, that they thought this attention below them.
*Nunc pleræque sic luxu et inertia destuunt, ut ne lanificii
quidem curam suscipere dignentur*, *Columel. Proem.* On
this account, slaves only were employed in spinning and
weaving, (*TEXTORES et TEXTRICES, lanifici, et -æ*),
and a particular place appropriated to them, where they
wrought,

wrought, (TEXTRINA, *vel*-UM.) Thus, Verres appointed in Sicily, *Cic. Verr.* iv. 26.

The principal manufacture was of wool; for although there were those who made linen, (LINTEONES, *Plaut. Aulul.* iii. 5. 38.; *Serv.* in *Æp.* vii. 14.; and a robe of linen (*vestis lintea*) seems to have been highly valued, *Cic. Verr.* v. 56. yet it was not much worn.

The principal parts of the woollen manufacture are described by Ovid, *Met.* xi. dressing the wool; picking or teasing, combing, and carding it, (*lanam carpere, pestere v. pestinare, carminare, &c.*); spinning, (*nere*, poet. *ducere, vel trahere*) with a distaff, (*colus*), and spindle, (*fusus*), winding or forming the thread into clews, (*glomerare*); dying, (*tingere, fucare, fuco medicare.*)

The wool seems to have been sometimes put up in round balls, (*glomerari in orbes*), before it was spun, *Ib.* 19.; *Horat.* ep. i. 13. 14.

Wool, when new cut, (*recens tonsa*), with its natural moisture, was called SUCCIDA, (*a succo, Varr.*); so *mulier succida*, plump, *Plaut. Mil.* iii. 1. 193. It used to be anointed with wine or oil, or swine's grease, to prepare it for dying, *Juvenal.* v. 24.; *Plin.* viii. 48. xxix. 2.; *Varr. R. R.* ii. 11.

The loom, (*machina in qua tela textitur*), or at least that part to which the web was tied, was called JUGUM, a cylinder or round beam across two other beams, in this form, Π , resembling the *jugum ignominiosum*, under which vanquished enemies were made to pass, *Festus & Liv.* iii. 28.

The threads or thrums which tied the web to the *jugum*, were called LICIA; the threads extended longwise, and alternately raised and depressed, STAMEN, the warp, (*a stando*), because the ancients stood when they wove, placing the web perpendicularly, and wrought upwards, *in altitudinem, vel sursum versum*, *Festus*), which method was dropt, except by the linen weavers. (LINTEONES); and in weaving the *Tunica Recta. Ibid.*

The threads inserted into the warp were called SUBTEMEN,

TEMEN, the woof, (quasi *subteximen*, vel *substamen*), some read *subtegmēn*, but improperly: the instrument which separated the threads of the warp, ARUNDO, the reed; which inserted the woof into the warp, RADIIUS, the shuttle; which fixed it when inserted, PECTEN, the flay; *Ovid. Met. vi. 53. vel SPATHA, Senec. ep. 91.*

When figures were to be woven on cloth, several threads of the warp of different colours were alternately raised and depressed; and in like manner, the woof was inserted; if, for instance, three rows of threads (*tria licia*) of different colours were raised or inserted together, the cloth was called TRILIX, wrought with a triple tissue, *Virg. Æn. iii. 467. v. 259. vii. 639.*; or, according to others, wrought with threads, consisting each of three plies: So BILIX, *Id. xii. 375.*

The warp was also called FRAMA, *Senec. ep. 91.*: Hence *frama figuræ*, skin and bones, like a thread-bare coat, *Perf. vi. 73.*; but Servius makes *trama* the same with *subtēmen*, *Virg. Æn. iii. 483.*

In the *Atrium*, anciently the family used to sup, *Serv. in Virg. Æn. i. 726. iii. 353.* where likewise was the kitchen, (*CULINA*), *Ibid.*

In the *Atrium*, the nobility placed the images of their ancestors, *see p. 29.*; the clients used to wait on their patrons, *Horat. ep. i. 5.*; *Juvenal. vii. 91.* and receive the *sportula*; *See p. 437.*

The *Atrium* was also adorned with pictures, statues, plate, &c. and the place where these were kept, was called PINATHECA, *Plin. xxxv. 2.*; *Petron. 83.*

In later times, the *atrium* seems to have been divided into different parts, separated from one another, by hangings or veils, (*vela*), into which persons were admitted, according to their different degrees of favour; whence they were called *amici* ADMISSIONIS *primæ, secundæ, vel tertiæ*; which distinction is said to have been first made by C. Gracchus and Livius Drusus, *Senec. de benef. vi. 33. 34.* Hence those who admitted

mitted persons into the presence of the Emperor, were called *EX OFFICIO ADMISSIONIS*, *Suet. l'esp.* 14. vel *ADMISSIONALES*, *Lamprid. in Alex.* 4.; and the chief of them, *MAGISTER ADMISSIONUM*, master of ceremonies, *Vopisc. Aurelian.* 12. usually freed-men, who used to be very insolent under weak or wicked Princes, *Plin.* xxxiii. 3. and even to take money for admission, *Senec. const. Sapient.* 14.; but not so under good Princes, *Plin. paneg.* 45.

There was likewise an *atrium* in temples; thus, *atrium Libertatis*, *Cic. Mil.* 22.; *Liv.* xxv. 7.; *Tacit. Hist.* i. 31. *Atrium publicum in capitolio*, *Liv.* xxiv. 10.

There was an hearth (*FOCUS*) in the hall, on which a fire was kept always burning near the gate, under the charge of the janitor, *Ovid. Fast.* i. 135. around it the images of the *Lares* were placed; whence *Lar* is put for *focus*, *Ibid.*

The ancients had not chimneys for conveying the smoak through the walls as we have; hence they were much infested with it, *Horat. Sat.* i. 5. 81.; *Vitruv.* vii. 3.; hence also the images in the hall are called *FUMOSÆ*, *Cic. Pis.* 1.; *Juvenal.* viii. 8.; and December, *FUMOSUS*, from the use of fires in that month, *Martial.* v. 31. 5.

They burnt wood, *Horat. Od.* i. 9. 5. which they were at great pains to dry, *Id.* iii. 17. 14. and anoint with the lees of oil, (*amurca*), to prevent smoak, *Plin.* xv. 8.; hence called *ligna ACAPNA*, (*ex a priv. et καπνος, fumus*), *Mart.* xiii. 15, vel *COCTA*, *ne fumum faciant*, *Ulpian. de legg.* iii. l. 53.; *Cato de R. R.*

The Romans used portable furnaces, (*camini portatiles, fornaces, vel -culæ, foculi, ignitabula vel eschæra*), for carrying embers and burning coals, (*prunæ, vel carbones igniti*), to warm the different apartments of a house, *Suet. Tib.* 74.; *Vit.* 8. which seem to have been placed in the middle of the room, *Cat. de re rust.* 18.; *Colum.* xi. 1.

In the time of Seneca, a method was contrived of conveyed

conveying heat from a furnace below, by means of tubes or canals affixed to the walls, (*per tubos parietibus impressos*), which warmed the rooms more equally, *Senec. ep. 90 ; de provid. 4.*

4. An open place in the centre of the house, where the rain-water fell, and which admitted light from above, was called *IMPLUVIUM*, or *Compluvium*, *Festus ; Varr. de L. L. iv. 33. ; Ascon. in Cic. Verr. i. 23. ; Liv. xliii. 15. ;* also *CAVÆDIUM*, or *Cavum adium*, *Varr. ibid. ; Plin. ep. ii. 17. ;* commonly uncovered, (*subdivale*) ; if not, from its arched roof, called *TESTUDO*, *Varr. ib.*

Vitruvius directs, that it should not be more than the third, nor less than the fourth part of the breadth of the *Atrium* vi. 4.

The slave who had the charge of the *Atrium*, and what it contained, was called *ATRIENSIS*. He held the first rank among his fellow slaves, *Cic. Top. 5. ; Plaut. Afin. ii. 3. 80. ;* and exercised authority over them, *Id. ii. 4. 18.*

5. The sleeping apartments in a house were called *CUBICULA*, *dormitoria*, vel *nocturna*, *noctis, et somni* ; for there were also *cubicula diurna*, for reposing in the day time, *Plin. ep. i. 3. ii. 17. v. 6.*

Each of these had commonly an anti-chamber adjoining, (*PROCOERTON*, vel *procestrium*), *Ibid.*

There were also in bed-chambers places for holding books, inserted in the walls, (*armaria parieti inserta*), *Id. ii. 17.*

Any room or apartment in the inner part of the house, under lock and key, as we say, was called *CONCLAVE*, vel *-ium*, *Ter. Heaut. v. 1. 29. (a con et clavis, quod una clavi clauditur, Festus. vel quod intra eum locum loca multa et cubicula clausa sunt, adhaerentia triclinio, Donat. in Ter. Eun. iii. 5. 35.) ;* put also for the *TRICLINIUM*, *Cic. Verr. iv. 26. ; Orat. ii. 86. ; Quintil. ix. 2. ; Horat. Sat. ii. 6. 113.*

Among the Greeks, the women had a separate apartment

ment from the men, called GYNAECEUM, (*γυναικίον*), *Cic. Phil.* ii. 37.; *Ter. Phorm.* v. 6. 23.

The slaves who took care of the bed-chamber, were called CUBICULARII, *Cic. Att.* vi. 14.; *Suet. Tib.* 21.; or CUBICULARES. *Id. Ner.* 38.; the chief of them, PRÆPOSITUS CUBICULO, vel DECURIO CUBICULARIORUM, *Suet. Dom.* 16. & 17. They were usually in great favour with their masters, and introduced such as wanted to see them, *Cic. ibid.* For the Emperors often gave audience in their bed-chambers; the doors of which had hangings or curtains suspended before them, (*foribus prætenta vela*), *Tacit. Ann.* xiii. 5.; *Suet. Cl.* 10. which were drawn up (*levabantur*), when any one entered, *Senec. ep.* 81.

The eating apartments were called *Cenationes*, *Cenacula*, vel *Trichinia*. See p. 420.

A parlour for supping or sitting in, was called DIÆTA, *Plin. ep.* ii. 17; *Suet. Cl.* 10.; sometimes several apartments joined together, were called by that name, or ZETA, *Plin. ep.* ii. 17. v. 6.; and a small apartment or alcove, which might be joined to the principal apartment, or separated from it at pleasure, by means of curtains and windows, ZOTHECA, vel *-cula*, *Ibid.*

DIÆTA, in the civil law, is often put for a pleasure-house in a garden: So *Plin. ep.* ii. 17.; and by Cicero, for *diet*, or a certain mode of living, for the cure of a disease, *Att.* iv. 3.

An apartment for basking in the sun was called SOLARIUM, *Plaut. Mil.* ii. 4. 25.; *Suet. Cl.* 10. which Nero appointed to be made on the portico before the house, *Id. Ner.* 16; or HELIOCAMINUS, *Plin. ib.*

The apartments of a house were variously constructed and arranged at different times, and according to the different taste of individuals.

The ancient Romans had only openings, (*foramina*), in the walls to admit the light; FENESTRÆ, windows, (*from ~~ferre~~, ostendo*; hence *oculi et aures sunt quasi fenestræ animi*, *Cic. Tusc.* i. 20.;) covered with two folding

folding leaves, (*bifores valvæ*), of wood, *Ovid. Pont. iii. 3. 5.*; *Amor. i. 5. 3.*; and sometimes a curtain, *Juvenal. ix. 105.*; hence said to be joined, when shut, *Horat. Od. i. 25. Cubiculum ne diem quidem sentit, nisi apertis fenestris*, *Plin. ii. 17.*; sometimes covered with a net, (*fenestræ RETICULATÆ, ne quod animal maleficum introire queat*, *Varr. R. R. iii. 7.*)

Under the first Emperors, windows were contrived of a certain transparent stone, called LAPIS SPECULARIS, found first in Spain, and afterwards in Cyprus, Cappadocia, Sicily, and Africa, which might be split into thin leaves, (*sinditur in quamlibet tenues crustas*), like slate, but not above five feet long each, *Senec. ep. 90.*; *Plin. xxxvi. 22. s. 45.* What this stone was, is uncertain.

Windows, however, of that kind (SPECULARIA), were used only in the principal apartments of great houses, *Senec. ep. 86.*; *Nat. Q. iv. 13.*; in gardens, *Plin. xv. 16. xix. 5.*; *Martial. viii. 14.*; called PERSPICUA GEMMA, *Ib. 68.*; in porticos, *Plin. ep. ii. 17.*; in sedans, (*lecticæ*), *Juvenal. iv. 21.*; or the like.

Paper, linen cloth, and horn, seem likewise to have been used for windows; hence CORNEUM SPECULAR, *Tertullian. de Anim. 53.*

The Romans did not use glass for windows, although they used it for other purposes, nor is it yet universally used in Italy, on account of the heat.

Glass windows (*vitrea specularia*) are not mentioned till about the middle of the fourth century by *Hieronymus*, (*St. Jerome*), *ad Ezech. xl. 16.*; first used in England, A. 1177; first made there, 1558; but plate-glass for coaches and looking-glasses not till 1673.

The Romans, in later times, adorned the pavements of their houses with small pieces (*crustæ, vel -a*) of marble, of different kinds, and different colours, curiously joined together, called PAVIMENTA SECTILIA, *Suet. Cæs. 46.* (*λιδωστρωτα, Varro*), *vel EMBLEMATA VERMICULATA*, *Cic.*

Cic. Orat. iii. 43. ; or with small pebbles, (*calculi*, vel *tesserae*, f. *-ulae*), dyed in various colours ; hence called *PAVIMENTA TESSELLATA*, *Suet. ibid.* ; used likewise, and most frequently, in ceilings, *Lucan. x. 114* ; in after times, called *opus musæum*, vel *musvum*, Mosaic work, probably because first used in caves or grottos, consecrated to the muses, (*musæa*), *Plin. xxxvi. 21. f. 42.*

VILLAS AND GARDENS OF THE ROMANS.

The magnificence of the Romans was chiefly conspicuous in their country-villas.

VILLA originally denoted a farm house, and its appertinances, or the accommodations requisite for a husbandman, (*quasi VELLA, quo fructus vehebant, & unde vehebant, cum venderentur*, *Varr.*) ; hence the overseer of a farm was called *VILLICUS* ; and his wife, (*uxor liberi, et contubernalis servi*), *VILLICA*. But when luxury was introduced, the name of *villa* was applied to a number of buildings reared for accommodating the family of an opulent Roman citizen in the country ; hence some of them are said to have been built in the manner of cities, *in urbium modum exadificatae*, *Sallust. Cat. 12. Ædificia privata, laxitatem urbium magnarum vincentia*, *Senec. benef. vii. 10.* ; *Ep. 90.* ; *Horat. od. ii. 15. iii. 1.*

A villa of this kind was divided into three parts, *URBANA*, *RUSTICA*, and *FRUCTUARIA*. The first contained dining-rooms, parlours, bed-chambers, baths, tennis-courts, walks, terraces, (*xystræ*), &c. adapted to the different seasons of the year. The *villa rustica* contained accommodations for the various tribes of slaves and workmen, stables, &c. ; and the *Fructuaria*, wine and oil-cellars, corn-yards, (*fanilia et palearia*), barns, granaries, store-houses, repositories for preserving fruits, (*apotheca*), &c. *Columel. i. 4. 6.*

Cato

Cato and Varro include both the last parts under the name of *VILLA RUSTICA*, *Cat. de R. R.* iii. 1. ix. 1.; *Varr.* xiii. 6. But the name of *villa* is often applied to the first alone, without the other two, and called by Vitruvius, *PSEUDOURBANA*; by others, *PRÆTORIUM*, *Suet. Aug.* 72.; *Cal.* 37.; *Tit.* 8.

In every *villa* there commonly was a tower; in the upper part of which was a supping-room, (*cenatio*), where the guests, while reclining at table, might enjoy at the same time a pleasant prospect, *Plin. ep.* ii. 17.

Adjoining to the *VILLA RUSTICA*, were places for keeping hens, *GALLINARIUM*; geese, *CHENOBOSCIUM*; ducks, and wild-fowl, *NESSOTROPHIUM*; birds, *ornithon*, vel *AVIARIUM*; dormice, *GLIRARIUM*; swine, *SUILE*, sc. *stabulum*, et *hara*, hogsties; hares, rabbits, &c. *LEPORARIUM*, a warren; bees, *APIARIUM*; and even snails, *COCHLEARE*, &c.

There was a large park, of fifty acres, or more, (*παρὰδυσος*), for deer and wild beasts, *THERIOTROPHIUM*, vel *VIVARIUM*, *Cell.* ii. 20.; but the last word is applied also to a fish-pond, (*PISCINA*), *Juvenal.* iv. 51.; or an oyster-bed, *Plin.* ix. 54.; or any place where live-animals were kept for pleasure or profit: Hence *in vivaria mittere*, i. e. *lactare, muneribus et observantia omni alicujus hereditatem captare*, to court one for his money, *Horat. ep.* i. 1. 79.

The Romans were uncommonly fond of gardens, (*HORTUS*, vel *ORTUS*, *ubi arbores et olera oriuntur*), as indeed all the ancients were: Hence the fabulous gardens and golden apples of the *HESPERIDES*, *Virg. Æn.* iv. 484.; of Adonis and Alcinous, *Id.* G. ii. 87.; *Ovid. Am.* i. 10. 56.; *Pont.* iv. 2. 10.; *Stat. Sylv.* i. 3. 81.; the hanging gardens (*pensiles horti*) of Semiramis, or of Cyrus at Babylon, *Plin.* xix. 4.; the gardens of Epicurus, put for his *gymnasium*, or school, *Ibid.*; et *Cic. Att.* xii. 23.; *Fin.* v. 3.

In the laws of the Twelve Tables, *villa* is not mentioned, but *hortus* in place of it, *Plin. ibid.* The husbandmen called a garden *altera succidia*, a second desert, or flitch of bacon, (*perna, petaso, vel lardum*), which was always ready to be cut, *Cic. Sen. 16* and judged there must be a bad housewife, (*nequam mater familias*; for this was her charge), in that house where the garden was in bad order, (*indiligens hortus, i. e. indiligenter cultus*). Even in the city, the common people used to have representations of gardens in their windows, *Plin. ibid.*

In ancient times, the garden was chiefly stored with fruit-trees and pot-herbs, (*ex horto enim plebei macellum, Ibid*); hence called *HORTUS PINGUIS*, the kitchen-garden, *Virg. G. iv. 118.*; *Plin. ep. ii. 17.*; and noble families were denominated not only from the cultivation of certain kinds of pulse, (*legumina*), *Fabii, Lentuli, Pisones*, &c. but also of lettuce, *Lactucini, Plin. xix. 4.*

But in after times, the chief attention was paid to the rearing of shady trees, aromatic plants, flowers, and evergreens; as the *myrtle, ivy, laurel, boxwood, &c.* These, for the sake of ornament, were twisted, and cut into various figures by slaves trained for that purpose, called *TOPIARII, Plin. ep. iii. 19*; who were said *TOPIARIAM, sc. artem FACERE, Cic. 2. fr. iii. 1. 2. vel OPUS TOPIARIUM, Plin. xv. 30.*

Gardens were adorned with the most beautiful statues, *Cic. Dom. 43.*; *Plin. ep. viii. 18. f.* Here the Romans, when they chose it, lived in retirement, *Cic. Att. xii. 40.*; *Suet. Cl. 5.*; *Tacit. Ann. xvi. 34.* and entertained their friends, *Senec. ep. 21.*; *Mart. iv. 64.*

The Romans were particularly careful to have their gardens well watered, (*rigui, vel irrigui*); and for that purpose, if there was no water in the ground, it was conveyed in pipes, (*inducebatur per canales, vel fistulas aquarias, Plin. ep. v. 6. per tubos plumbeos, vel ligneos, Plin. xvi. 42. f. 81. vel fistiles, seu testaceos, Id. xxxi. 6. f. 31.*

The

The gardens at Rome most frequently mentioned by the Classics, were, *horti CÆSARIS*, *Horat. Sat. i. 9. 18.*; *Suet. 83.*; *LUCULLI*, *Tacit. Ann. xi. 1. 37.*; *MARTIALIS*, *iv. 64.*; *NERONIS*, *Tacit. Ann. xiv. 3. xv. 44.*; *POMPEII*, *Cic. Phil. ii. 29.*; *SALUSTII*, *V. IANI*; the property first of Sallust the historian, then of his grand-nephew, and adopted son, *Tacit. Annal. iii. 30.*; afterwards of the Emperors, *Id. xiii. 47.*; *Hist. iii. 82.*; *SENECÆ*, *Id. xiv. 52.*; *Juvenal. x. 16.*; *TARQUINII SUPERBI*, the most ancient in the city, *Liv. i. 54.*; *Ovid. Fast. ii. 703.* &c.

AGRICULTURE of the ROMANS.

The ancient Romans were so devoted to agriculture, that their most illustrious commanders were sometimes called from the plough; thus, Cincinnatus, *Liv. iii. 26.*; *Cic. Rose. Am. 18.* The Senators commonly resided in the country, and cultivated the ground with their own hands, *Ibid.* See p. 7. and the noblest families derived their surnames from cultivating particular kinds of grain; as the *FABII*, *PISONES*, *LENTULI*, *CICERONES*, &c. *Plin. xviii. 1.* To be a good husbandman, was accounted the highest praise, (*BONUS COLONUS*, vel *AGRICOLA*, was equivalent to *VIR BONUS*, *Cato, R. R. l. r. 2.*; *LOCUPLES*, rich, *q. loci, hoc est, agri plenus*; *PECUNIOSUS*, a *pecorum copia*; so *ASSIDUUS*, ab *asse dando*, *Quintil. v. 10.*; *Ovid. Fast. v. 280.*; *Gell. x. 5.*; *Festus*); and whoever neglected his ground, or cultivated it improperly, was liable to the animadversion of the Censors.

At first no citizen had more ground than he could cultivate himself. Romulus allotted to each only two acres, *Varr. R. R. i. 10.*; *Plin. xviii. 11.* called *HÆREDIUM*, (*quod hæredem sequerentur*), *Id.*; and *SORS*, *Festus*. or *cespes fortuitus*,

fortuitus, Horat. od. ii. 15. 17.; which must have been cultivated with the spade. After the expulsion of the kings, seven acres were granted to each citizen, *Plin.* xviii. 3.; which continued for a long time to be the usual portion assigned them in the division of conquered lands, *Liv.* v. 30.; *Val. Max.* iv. 3. 5. L. Quinctius Cincinnatus, Curius Dentatus, Fabricius, Regulus, &c. had no more, *Id.* iv. 4. 6. & 7. Cincinnatus had only four acres, according to Columella, *præf.*

Those whom proprietors employed to take care of those grounds which they kept in their own hands, were called VILLICI, *Horat. ep.* i. 14.; *Cic. Verr.* iii. 50.; *Att.* xiv. 17.; and were usually of servile condition, *Ibid.*

Those who cultivated the public grounds of the Roman people, and paid tithes for them, were also called ARATORES, whether Roman citizens, or natives of the provinces, (*provinciales*); and their farms, ARATIONES, *Cic. Verr.* iii. 20. 27. 53.; *Phil.* ii. 37.

But when riches encreased, and the estates of individuals were enlarged, opulent proprietors let part of their grounds to other citizens, who paid a certain rent for them, as our farmers or tenants and were properly called COLONI, *Cic. Cacin.* 32.; *Plin. ep.* x. 24.; *Columel.* i. 7.; or PARTIARII, because usually they shared the produce of the ground with the proprietor, *Caius l.* 25. § 5 *ff. locati.*; *Plin. ep.* ix. 13.

AGRICOLÆ was a general name, including not only those who ploughed the ground, (ARATORES, *qui terram arant, vel ipsi sua manu, vel per alios, Cic. Verr.* v. 38.) but also those who reared vines, (*vinitores*); or trees, (*arboratores*); and shepherds, (*pastores*)

At first, the stock on the farm seems to have belonged to the proprietor, and the farmer received a certain share of the produce for his labour. A farmer of this kind was called POLITOR, *vel Polintor*, the dresser of the land, or PARTIARIUS, which name is also applied to a shepherd, or any one who shared with another

other the fruits of his industry. Such farmers only are mentioned by Cato, who calls those who farmed their own grounds, COLONI. So *Virg. eel. ix. 4.* But this word is commonly used in the same general sense with *agricola*: *Non dominus, sed colonus*, Senec. ep. 88. In Columella, *colonus* means the same with a farmer or tenant among us, who was always of a free condition, and distinguished from VILLICUS, a bailiff or overseer of a farm, who was usually a slave or freedman, *Colum. i. 7*; *Horat. ep. i. 14*; *Cic. Verr. iii. 50.* When a free-born citizen was employed as an overseer, he was called PROCURATOR, *Cic. Cacin. 20.*; *Att. xiv. 17.*; *Orat. i. 58.*

The persons employed in rustic work, under the farmer or bailiff, were either slaves or hirelings; in later times, chiefly the former, and many of them chained; See p. 27. *Plin. xviii. 4.*; *Martial ix. 23.* The younger Pliny had none such, *iii. 19.*

The Romans were very attentive to every part of husbandry, as appears from the writers on that subject, Cato, Varro, Virgil, Columella, Palladius, &c.

Soils were chiefly of six kinds; fat and lean, (*pingue, vel macrum*), free and stiff, (*solutum vel spissum, rarum vel densum*), wet and dry, (*humidum vel siccum*), which were adapted to produce different crops, *Col. ii. 2.*

The free soil was most proper for vines, and the stiff for corn, *Virg. G. ii. 229.*

The qualities ascribed to the best soil are, that it is of a blackish colour, (*terra nigra, vel pulla*, *Virg. G. ii. 203.*); glutinous, when wet, *Id. 248.* and easily crumbled, when dry; has an agreeable smell, and a certain sweetness, *Id. 238.*; *Plin. xvii. 5.*; imbibes water, retains a proper quantity, and discharges a superfluity, *Id.*; when ploughed, exhales mists and flying smoke, not hurting the plough-irons with salt-rust; the ploughman followed by rooks, crows, &c.; and when at rest, carries a thick grassy turf, *Plin. ib. Virg. G. ii. 217.* The

The Romans used various kinds of manure to improve the soil; particularly dung, (*simus* vel *stercus*), which they were at great pains to collect, and prepare in dunghills, (*sterquilinia*, vel *simeta*), constructed in a particular manner, *Col.* i. 6; *Plin.* xxiv. 19. et xvii. 9. They sometimes sowed pigeons-dung, or the like, on the fields like seed, and mixed it with the earth, by sardling, or by weeding-hooks, (*sarcula*), *Col.* ii. 16.

When dung was wanting, they mixed earths of different qualities, *Ibid.*; they sowed lupines, and ploughed them down for manure, (*stercorandi agri causâ*), *Varr. R. R.* i. 23. Beans were used by the Greeks for this purpose, *Theophrast.* viii. 9.

The Romans also for manure burnt on the ground the stubble, (*stipulam urebant*), *Virg. G.* i. 84.; shrubs, (*fruteta*), *Plin.* xviii. 6; twigs and small branches, (*virgas et sarmenta*), *Id.* 25. They were well acquainted with lime, (*calx*), but do not seem to have used it for manure, at least till late. Pliny mentions the use of it for that purpose in Gaul, xvii. 8.; and hence probably it was tried in Italy. He also mentions the use of marl, (*MARGA*), of various kinds, both in Britain and Gaul, and likewise in Greece, called there *Leucargillon*, xvii. 5. &c.; but not found in Italy, *Ib.*

To carry off the water, (*ad aquam, vel uliginem nimiam deducendam*), drains (*INCILIA, vel fossæ inciles*) were made, both covered and open, (*cæcæ et patentes*), according to the nature of the soil, and water-furrows, (*suici aquarii, vel elices, quod undam eliciunt*, *Virg. G.* i. 109.; *Col.* ii. 2. & 8.; *Plin.* xviii. 6.

The instruments used in tillage, were,

ARATRU, the plough; concerning the form of which, authors are not agreed. Its chief parts were, **TEMO**, the beam; to which the jugum or yoke was fastened: **STIVA**, the plough tail or handle; on the end of which was a cross-bar, (*transversa regula*, called **MANICULA**), which the ploughman (*arator, v. bubulus*) took hold of, and by it directed the plough;

VOMER,

VOMER, vel *-is*, the plough-share; BURIS, a crooked piece of wood, which went betwixt the beam and the plough-share; hence ARATRUM CURVUM, *Virg. G. i. 170.* represented by Virgil as the principal part of the plough, to which there seems to be nothing exactly similar in modern ploughs; to it was fitted the DENTALE, the share beam, a piece of timber on which the share was fixed; called by Virgil, *duplici dentalia dorso*, i. e. *lato*; and by Varro, *dens*; to the *buris*, were also fixed two AURES, supposed to have served in place of what we call *mold-boards*, or *earth-boards*, by which the furrow is enlarged, and the earth thrown back, (*regeritur*); CULTER, much the same with our coulter, *Plin. xviii. 18.* RALLA, or *rulla*, vel *-um*, the plough-staff, used for cleaning the plough-share, *Id. 19.*

The Romans had ploughs of various kinds; some with wheels, earthboards, and coulters, others without them, &c. The common plough had neither coulter nor earth-boards.

The other instruments were, LIGO, or PALA, a spade, used chiefly in the garden and vineyard, but anciently also in corn-fields, *Liv. iii. 26.*; *Horat. Od. iii. 6. 38.*; *Ep. i. 14. 27.* RASTRUM, a rake. SARCULUM, a farcle, a hoe, or weeding-hook. BIDENS, a kind of hoe or drag, with two hooked iron teeth, for breaking the clods, and drawing up the earth around the plants, *Virg. G. ii. 400.* OCCA, vel CRATES DENTATA, a harrow, *Virg. G. i. 91.*; *Plin. xviii. 18.* IRPEX, a plank with several teeth, drawn by oxen, as a wain, to pull roots out of the earth, *Varr. L. L. iv. 31.* MARRA, a mattock, or hand-hoe, for cutting out weeds, *Juvenal. iii. 311.* DOLABRA, an addice, or adz, with its edge athwart the handle: SECURIS, an axe, with its edge parallel to the handle, sometimes joined in one; hence called SECURIS DOLABRATA; used not only in vineyards, but in corn fields, for cutting roots of trees, &c. *Col. ii. 2.* The part of the pruning-knife, (*falx*), made in the

from

form of the half-formed moon, (*semiformis luna*), was also called *SECURIS*, *Col.* iv. 25.

The Romans always ploughed with oxen, usually with a single pair, (*singulis jugis*, vel *paribus*), *Cic. Verr.* iii. 21. ; seldom more, *Plin.* xviii. 18. sometimes with three in one yoke, *Col.* vi. 2. 10. What a yoke of oxen could plough in one day was called *JUGUM*, *Varr. R. R.* i. 10. vel *JUGERUM*, *Plin.* xviii. 3.

Oxen, while young, were trained to the plough with great care, *Virg. G.* iii. 163. ; *Varr.* i. 20. ; *Col.* vi. 2. The same person managed the plough, and drove the cattle, with a stick, sharpened at the end, called *STIMULUS*, (*κνυρπον*), a goad. They were usually yoked by the neck, sometimes by the horns, *Plin.* viii. 45. The common length of a furrow, made without turning, was 120 feet; hence called *ACTUS*, which squared, and doubled in length, made a *JUGERUM*, *Plin.* xviii. 3. ; used likewise as a measure among the Hebrews, *1 Sam.* xiv. 14.

The oxen were allowed to rest a little at each turning, *Col.* ii. 27.

When in ploughing, the ground was raised in the form of a ridge, it was called *PORCA*, (i. e. *inter duos sulcos terra elata*, vel *eminens*, *Id.* 29. ; *Fest.* in *IMPORCITOR*), or *LIRA*, *Col.* ii. 3. But *Festus* makes *PORCÆ* to be also the furrows on each side of the ridge for carrying off the water: Hence *LIRARE*, to cover the seed when sown with the plough, by fixing boards to the ploughshare, *Plin.* xviii. 20. ; *Varr.* i. 29. ; when those side furrows were made, *Col.* ii. 4. These ridges are also called *SULCI*; for *fulcus* denotes not only the trench made by the plough, but the earth thrown up by it, *Virg. G.* i. 113.

The Romans indeed seem never to have ploughed in ridges, unless when they sowed. They did not go round when they came to the end of a field, as our ploughmen do, but returned in the same tract. They were at great pains to make straight furrows, and of

ual breadth. The ploughman who went crooked,

was

was said DELIRARE, (i. e. *de lira* decedere; hence *arecto et aquo, et a communi sensu recedere*, to dote, to have the intellect impaired by age or passion, *Horat. ep. i. 2. 14.*; *Cic. Orat. ii. 18.*); and PRÆVARICARI, to *prevaricate*; whence this word was transferred to express a crime in judicial proceedings, *Plin. xviii. 19.* See p. 277.

To break and divide the soil, the furrows were made so narrow, that it could not be known where the plough had gone, *Ib.* This was occasioned by the particular form of the Roman plough, which when held upright, only stirred the ground, without turning it to a side.

The places where the ground was left unmoved, (*crudum et immotum*), were called SCAMNA, baulks, *Ib. & Col. ii. 2.*

The Romans commonly cultivated their ground and left it fallow alternately, (*alternis, sc. annis*), *Virg. G. i. 71.* as is still done in Switzerland, and some provinces of France.

They are supposed to have been led to this from an opinion, that the earth was in some measure exhausted by carrying a crop, and needed a year's rest to enable it to produce another; or from the culture of olive-trees, which were sometimes planted in corn-fields, and bore fruit only once in two years, *Col. v. 9.*; *Varr. i. 55.*; *Plin. xv. 3.*

A field sown every year, was called RESTIBILIS; after a year's rest or longer, NOVALIS, *sem. vel novale*, or VERVACTUM. When a field, after being long uncultivated, (*rudus vel crudus*), was ploughed for the first time, it was said PROSCINDI; the second time, *iterari*, vel OFFRINGI, because then the clods were broken by ploughing across, and harrowing, *Festus.*; *Plin. xviii. 20.*; the third time, *tertiari*, LIRARI, vel *in liram redigi*, because then the seed was sown, *Varr. i. 29.* But four or five ploughings were given to stiff land, sometimes nine, *Virg. G. i. 47.*; *Plin. xviii. 20.*

To express this, they said, *tertio, quarto, quinto sulco serere*, for *ter, quater, quinquies arare*. One day's ploughing, or one yoking, was called *UNA OPERA*; ten, *decem operæ*.

Fallow-ground was usually ploughed in spring and autumn; dry and rich land, in winter; wet and stiff-ground, chiefly in summer: Hence that is called the best land, (*optima seges*), *BIS QUÆ SOLEM, BIS FRIGORA SENSIT*, i. e. *bis per æstatem, bis per hiemen arata*, *Plin. xviii. 20.*; *Virg. G. i. 48.* Thus also *seges* is used for *ager* or *terra*, *Id. iv. 129.*; *Cic. Tusc. ii. 5.* *Locus ubi prima paretur arboribus SEGES*, i. e. *seminarium*, a nursery, *Virg. G. ii. 266.* but commonly for *sata*, growing corn, or the like, a crop; as *seges lini*, *G. i. 77.* or metaphorically for a multitude of things of the same kind; thus, *Seges virorum*, *Ovid. Met. iii. 110.*; *Virg. G. ii. 142.* *Seges telorum*, *Æn. iii. 46.*; *Seges gloria*, a field, *Cic. Mil. 13.*

The depth of the furrow in the first ploughing, (*cum sulcus altius imprimeretur*), was usually three fourths of a foot, or nine inches, (*sulcus DODRANTALIS*), *Plin. xviii. 19.* Pliny calls ploughing four fingers, or three inches deep, *SCARIFICATIO*, *Ib. 17.*; *tenui suspendere sulco*, *Virg. G. i. 68.*

The seed was sown from a basket, (*SATORIA*, sc. *corbis, trimodia*, containing three bushels, *Col. ii. 9.*) It was scattered by the hand, *Cic. Sen. 15.*; *Plin. xviii. 24.*; and that it might be done equally, the hand always moved with the step, as with us, *Ib.*

The Romans either sowed above furrow, (*in lira*), or under furrow, (*sub sulco*), commonly in the latter way. The seed was sown on a plain surface, and then plowed, so that it rose in rows, and admitted the operation of hoeing. It was sometimes covered with rakes and harrows, (*rastris, vel crate dentata*), *Plin. xviii. 20.*

The principal seed-time (*tempus sativum, sationis, v. seminationis, vel sementem faciendi*), especially for wheat and barley, was from the autumnal æquinox, to the winter solstice, *Virg. G. i. 208.*; and in spring as
foen

soon as the weather would permit, *Col.* ii. 8.; *Varr.* i.

34.

The Romans were very attentive not only to the proper seasons for sowing, but also to the choice of seed, and to adapt the quantity and kind of seed to the nature of the soil, *Varr.* i. 44.; *Virg. G.* i. 193.

When the growing corns, (*segetes*, vel *sata*, -orum), were too luxuriant, they were pastured upon, (*depascebantur*), *Virg. G.* i. 193.

To destroy the weeds, two methods were used; *SARCULATIO* vel *sarritio*, hoeing; and *RUNCATIO*, weeding, pulling the weeds with the hand, or cutting them with a hook. Sometimes the growing corns were watered, (*rigabantur*), *Virg. G.* 106.

In some countries, lands are said to have been of surprising fertility, yielding an hundred-fold, (*ex uno centum*), sometimes more; as in Palestine, *Gen.* xxvi. 12.; in Syria and Africa, *Varr.* i. 44.; in *Hispania Batica*, and Egypt, the Leontine plains of Sicily, around Babylon, &c. *Plin.* xviii. 10. & 17. But in Italy in general, only ten after one, (*ager cum decimo efficiebat efferebat*, v. *fundebat*; *decimo cum fenore reddebat*), *Varr.* i. 44.; as in Sicily, *Cic. Verr.* iii. 47.; sometimes not above four, (*frumenta cum quarto respondebant*), *Col.* iii. 3.

The grain chiefly cultivated by the Romans, was wheat, of different kinds, and called by different names, *TRITICUM*, *siligo*, *robus*; also *FAR*, or *ador*, *far adorem*, vel *semen adorem*, or simply *adorem*; whence *ADOREA*, warlike praise or glory, because a certain quantity of corn, (*ador*), used to be given as a reward to the soldiers after a victory, *Horat. od.* iv. 3. 41.; *Plin.* xviii. 3. No kind of wheat among us exactly answers the description of the Roman *far*. What resembles it most, is what we call *spelt*.

FAR is put for all kinds of corn; whence *FARINA*, meal; *farina siliginea*, vel *triticea*, *simila*, vel *similago*, *fos siliginis*, *pollen tritici*, flour. *Cum fueris nostræ paulo ante farinæ*, i. e. *generis vel gregis*, *Pers.* v. 115.

Y y 2

Barley,

Barley, HORDEUM, vel *ordeum*, was not so much cultivated by the Romans, as wheat. It was the food of horses, *Col.* vi. 30. sometimes used for bread, (*panis hordeaceus*), *Plin.* xviii. 11. given to soldiers, by way of punishment, instead of wheat, *Liv.* xxvii. 13. In France and Spain, especially before the introduction of vineyards, it was converted into ale, as among us, called *cselia*, or *ceria* in Spain, and *cervisia* in France, *Plin.* xiv. 22.; the froth or foam of which, (*spuma*), was used for barm or yeast in baking, (*pro fermento*), to make the bread lighter, xviii. 7.; and by women for improving their skin, (*ad cutem nutriendam*), *Id.* xxii. 25.

Oats, AVENA, were cultivated chiefly as food for horses; sometimes also made into bread, (*panis avenaceus*). AVENA is put for a degenerate grain, (*vitium frumenti, cum hordeum in eam degenerat*), *Plin.* xviii. 17.; *Cic. Fin.* v. 30.; or for oats, which grow wild, (*steriles avenæ, i. e. quæ non feruntur*), *Serv. in Virg. Ecl.* v. 37.; *G.* i. 153. 226.

As the rustics used to play on an oaten stalk; hence *avena* is put for a pipe, (*tibia, vel fistula*), *Virg. ecl.* i. 2. iii. 27.; *Martial.* viii. 2. So *calamus, stipula, arundo, ebur, &c.*

Flax or lint (LINUM), was used chiefly for sails and cordage for ships; likewise for wearing apparel, particularly by the nations of Gaul, and those beyond the Rhine, *Plin.* xix. 1.; sometimes made of surprising fineness, *Ibid.* The rearing of flax was thought hurtful to land. Virgil joins it with oats and poppy, *G.* i. 77.

Villows, (SALICES), were cultivated for binding the vines to the trees, that supported them; for hedges, *Virg. G.* ii. 436. and for making baskets. They grew chiefly in moist ground; hence *udum salicetum*, *Horat. Od.* ii. 5. 8.; *Liv.* xxv. 17.; *Cato* 9. So the osier, *filer*; and broom, *genista*, *Virg. G.* ii. 11.

Various kinds of pulse (*legumina*) were cultivated by the Romans; FABÆ, the bean; *pisum*, pease; *lupinum*, lupine, *sasēlus*, *phasēlus*, v. *phaseolus*, the kidney-

ney-bean; *lens*, lentil, *cicer* v. *cicercula*, *vicia* vel *ervum*, vetches, or tares; *sesamum*, vel *-a*, &c. These served chiefly for food to cattle; some of them also, for food to slaves and others, especially in times of scarcity; when not only the seed, but also the husks or pods, (*siliquæ*), were eaten, *Horat. ep. ii. 1. 123.*; *Perf. iii. 35.* The turnip, (*rapum*, v. *-a*, vel *rapus*), was cultivated for the same purpose, *Plin. xviii. 13.*

There were several things sown, to be cut green for fodder to the labouring cattle; as, *ocimum*, vel *ocymum*, *fenum Græcum*, *vicia*, *cicera*, *ervum*, &c. particularly the herb *medica*; and *citrus* for sheep, *Plin. xiii. 24.*

The Romans paid particular attention to meadows, (*PRATA, quasi semper parata*), for raising hay and feeding cattle, by cleaning and dunging them, sowing various grass-seeds, defending them from cattle, and sometimes watering them.

Hay (*FÆNUM*) was cut and piled up in cocks or small heaps of a conical figure, (*in metas extructum*), then collected into large stacks, or placed under covert, *Col. ii. 22.* When the hay was carried off the field, the mowers (*fenisecæ*, vel *-cæ*) went over the meadows again, (*prata feniiebant*, i. e. *falcibus consecabant*), and cut what they had at first left. This grass was called *scilimentum*, and distinguished from *fenum*. Late hay was called *FÆNUM CARDUM*, *Plin. xviii. 28.*

The ancient Romans had various kinds of fences, (*septa, sepes*, vel *sepimenta*), a wall, (*maceria*), hedge, wooden fence, and ditch, for defending their marches, (*limites*), and corn-fields, *Virg. G. i. 270*; and for enclosing their gardens or orchards, but not their meadows and pasture-grounds. Their cattle and sheep seem to have pastured in the open fields, with persons to attend them. They had parks for deer and other wild beasts, *Col. ix. præf.*; but the only enclosures mentioned for cattle, were folds for confining them in the night-time, (*septa*, vel *stabula bubilia, ovilia, caprilia*, &c.) either in the open air, or under covering, *Virg. Æn. vii. 512.*

Corns were cut down (*metebantur*) by a sickle, or hook, or by a scythé; or the ears (*spicae*) were stript off by an instrument, called *BATILLUM*, i. e. *ferrula ferrea*, an iron-saw, *Varr. i. 50. Falx verriculata rostrata, vel dentata, merga, vel pecten*; and the straw afterwards cut, *Col. ii. 21.* To this Virgil is thought to allude, *G. i. 317.* and not to binding the corn in sheaves, as some suppose; which the Romans seem not to have done, *Col. ibid.* In Gaul, the corn was cut down by a machine drawn by two horses, *Plin. xviii. 30.*

Some kinds of pulse, and also corn, were pulled up by the root, *Col. ib.*

The Greeks bound their corn into sheaves, *Homer. Il. xviii. 550.*; as the Hebrews, *Gen. xxxvii. 7.* who cut it down with sickles, taking the stalks in handfuls, (*mergites*), as we do, *Ruth, ii. 15.*

The corn, when cut, was carried to the threshing-floor, (*area*), or barn, (*horreum*), or to a covered plate, adjoining to the threshing-floor, called *NUBILARIUM*; if the ears were cut off from the stalks, they were thrown into baskets, *Varr. i. 1.* When the corn was cut with part of the straw, it was carried in carts or wains, (*plaustra*), as with us, *Virg. ii. 206.*

The *AREA*, or threshing-floor, was placed near the house, *Col. i. 6.* on high ground, open on all sides to the wind, of a round figure, and raised in the middle, *Varr. i. 2.*

It was sometimes paved with flint-stones, *Col. i. 6.* but usually laid with clay, consolidated with great care, and smoothed with a huge roller, *Virg. G. i. 178.*

The grains of the corns were beaten out (*excutebantur, tundebantur, terebantur vel exterebantur*) by the hoofs of cattle driven over it, or by the trampling of horses, (*equarum gressibus*), *Plin. xviii. 30.*; *Virg. G. iii. 132.*; *Col. ii. 21.*; or by flails, (*baculi, fustes, vel perticae*), *Ibid.* or by a machine, called *TRAHA*, v. *trabea*, a dray or sledge, a carriage without wheels; or *TRIBULA*, vel *-um*, made of a board or beam, set with stones,

or

or pieces of iron, (*tabula lapidibus, aut ferro asperata*), with a great weight laid on it; and drawn by yoked cattle, (*jumentis junctis*), *Ibid. et Varr. i. 52.*

Tribula, a threshing-machine, has the first syllable long, from *τριβο, tero*, to thresh; but *tribulus*, a kind of thistle, (or warlike machine, with three spikes or more, for throwing or fixing in the ground, called also *murex*, usually plural, *murices*, v. *tribuli*, caltrops, *Plin. xix. 1. §. 6.*; *Curt. iv. 13.*; *Veget. iii. 24.*); has *tri* short, from *τρις*, three; and *βολη*, a spike or prickle.

These methods of beating out the corn, were used by the Greeks, *Homer. Il. xx. 495.*; and Jews, *Is. xxviii. 27.*

Corn was winnowed, (*ventilabatur*), or cleaned from the chaff, (*acus -eris*), by a kind of shovel, (*vallus, pala, vel ventilabrum*), which threw the corn across the wind, *Varr. i. 52.*; or by a sieve, (*vannus vel cribrum*), which seems to have been used with or without wind, *Col. ii. 21.*; as among the Greeks, *Hom. Il. xiii. 588.*; and Jews, *Is. xxx. 24.*; *Amos ix. 9*; *Luke xxii. 31.*

The corn, when cleaned, (*expurgatum*), was laid up in granaries, (*horrea vel granaria*), variously constructed, *Plin. xviii. 30.*; sometimes in pits, (*in scrobibus*), where it was preserved for many years; Varro says fifty, *Id. & Varr. i. 57.*

The straw was used for various purposes; for littering cattle, (*pecori, ovibus bubusque substernebatur, unde STRAMEN, v -tum dictum*), *Varr. i. 13.*; for fodder, *Plin. xviii. 30.* and for covering houses; whence *CULMEN*, the roof, from *culmus*, a stalk of corn, *Id.*

The straw cut with the ears, was properly called *PALEA*; that left in the ground, and afterwards cut, *STRAMEN, vel stramentum, vel stipula*, the stubble, which was sometimes burnt in the fields, to meliorate the land, and destroy the weeds, *Id. & Virg. G. i. 84.*

As

As oxen were chiefly used for ploughing, so were the fleeces of sheep for clothing; hence these animals were reared by the Romans with the greatest care. Virgil gives directions about the breeding of cattle, (*qui cultus habendo sit pecori*); of oxen and horses, (*ARMENTA*), *G.* iii. 49. 72.; of sheep and goats, (*GREGES*), *v.* 286.; also of dogs, 404.; and bees, *iv.* as a part of husbandry.

While individuals were restricted by law to a small portion of land, and citizens themselves cultivated their own farms, there was abundance of provisions, without the importation of grain, and the republic could always command the service of hardy and brave warriors, when occasion required. But in after ages, especially under the Emperors, when landed property was in a manner engrossed by a few, and their immense estates in a great measure cultivated by slaves, Rome was forced to depend on the provinces, both for supplies of provisions, and of men to recruit her armies: Hence Pliny ascribes the ruin first of Italy, and then of the Provinces, to overgrown fortunes, and too extensive possessions, *Latifundia*, *sc. nimis ampla, perdidit Italiam: jam vero et provincias*, xviii. 6.

PROPAGATION of TREES.

The Romans propagated trees and shrubs much in the same way as we do.

Those are properly called trees (*arbores*) which shoot up in one great stem, body or trunk, (*stirps, truncus, caudex, vel stipes*), and then at a good distance from the earth, spread into branches and leaves, (*rami et folia*); shrubs, (*FRUTICES, vel virgulta*), which divide into branches, (*rami, v. -uli*), and twigs or sprigs, (*virgæ, v. -ule*), as soon as they rise from the root.

These

Those shrubs which approach near to the nature of herbs, are called by Pliny *suffrutices*.

Virgil enumerates the various ways of propagating trees and shrubs, (*sylvæ fruticesque*), both natural and artificial, *G. ii. 9. &c.*

I. Some were thought to be produced spontaneously; as the osier, (*salix*); the broom, (*genista*); the poplar and willow, (*salix*). But the notion of spontaneous propagation is now universally exploded. Some by fortuitous seeds; as, the chesnut, the *esculus*, and oak: Some from the roots of other trees; as the cherry, (*CERASUS*, first brought into Italy by Lucullus from Cerasus, a city in Pontus, A. U. 680.; and 120 years after that, introduced into Britain, *Plin. xv. 25. f. 30.*); the elm and laurel, (*laurus*, which some take to be the bay-tree.)

II. The artificial methods of propagating trees, were,
— 1. By suckers, (*STOLONES*, *unde cognomen, STOLO*, *Plin. xvii. 1.; Varr. i. 2.*) or twigs pulled from the roots of trees, and planted in furrows or trenches, (*sulci v. fossæ*.)

— 2. by sets, i. e. fixing in the ground branches, (*rami*, v. *talæ*); sharpened (*acuminati*) like stakes, (*acuto robore valli vel pali*, cut into a point; *sudes quadrifida*, slit at the bottom in four), *Virg. G. ii. 25.; Plin. xvii. 17.* or pieces of the cleft-wood, (*caudices secti*), *Id.* or by planting the trunks with the roots, (*stirpes*), *Id.* When plants were set by the root, (*cum radice jerebantur*), they were called *VIVIRADICES*, quicksets, *Cic. Sen. 13.*

— 3. By layers, (*propagines*), i. e. bending a branch, and fixing it in the earth, without disjoining it from the mother-tree, whence new shoots spring, (*viva sua plantaria terrâ*), v. 27. This method was taught by nature from the bramble, (*ex rubo*), *Plin. xvii. 13. f. 21.* It was chiefly used in vines and myrtles, v. 63.; the former of which, however, were more frequently propagated,

— 4. By slips or cuttings, small shoots cut from a tree,

tree, and planted in the ground, (*furculi*, et *MALLEOLI*, i. e. *furculi utrinque capitulati*, with knops or knobs, i. e. protuberances on each side, like a small hammer, *Plin.* xvii. 21.

—5. By grafting, or ingrafting, (*INSITIO*), i. e. inserting a cion, a shoot or sprout, a small branch or graft, (*tridux*, v. *furculus*), of one tree into the stock or branch of another. There were several ways of engrafting; of which Virgil describes only one; namely, what is called cleft-grafting, which was performed by cleaving the head of a stock, and putting a cion from another tree in the cleft, (*feraces plantæ immittuntur*, v. 78. *Alterius ramos vertere in alterius*, 31.)

It is a received opinion in this country, that no graft will succeed, unless it be upon a stock, which bears fruit of the same kind. But Virgil and Columella say, that any cion may be grafted on any stock, *Omnis furculus omni arbori inseri potest*, *Col.* v. 11. as apples on a pear-stock, and cornels or Cornelian cherries on a prune or plumb stock. *Virg. G.* ii. 33.; apples on a plane-tree, pears on a wild ash, &c. v. 70.

Similar to ingrafting, is what goes by the name of inoculation, or budding, (*oculos imponere, inoculare*, v. *-atio*.) The parts of a plant whence it budded, (*unde germinaret*), were called *OCULI*, eyes, *Plin.* 21. f. 35.; and when these were cut off, it was said *occacari*, to be blinded, *Id.* xvii. 22.

Inoculation was performed by making a slit in the bark of one tree, and inserting the bud (*gemma*, vel *germen*) of another tree, which united with it, v. 73.; called also *EMPLASTRATIO*, *Col.* v. 11. But Pliny seems to distinguish them, xvii. 16. f. 26. The part of the bark taken out, (*pars exempta*; *angustus in ipso nodo finis*), was called *SCUTULA* v. *TESSELLA*, the name given also to any one of the small divisions in a checquered table or pavement, *Id.*

Forest trees, (*arbores silvestres*), were propagated chiefly by seeds. Olives by truncheons, (*trunci, caudices secti*, vel *lignum siccum*), i. e. by cutting or sawing the trunk

trunk or thick branches into pieces of a foot, or a foot and a half in length, and planting them; whence a root, and soon after a tree, was formed, v. 30. & 63.

Those trees which were reared only for cutting, were called ARBORES CÆDUÆ, or which being cut, sprout up again, (*succisæ repululant*), from the stem or root, *Plin. xii. 19.*

The greatest attention was paid to the cultivation of vines. They were planted in ground well trenched and cleaned, (*in pascinato*, sc. *agro*), in furrows, or in ditches, *Plin. xvii. 22.* disposed in rows, either in the form of a square, or of a *quincunx*, *Virg. G. ii. 277.* The outermost rows were called ANTES, *Id. 417. Festus.*

When a vineyard was dug up, (*resodiebatur*), to be planted anew, it was properly said *repascinari*, from an iron instrument with two forks, called *pascinum*, *Col. iii. 18.* which word is put also for a field ready for planting, (*ager pascinatus*.) An old vineyard thus prepared was called VINETUM RESTIBILE, *Id.*

The vines were supported by reeds, (*arundines*), or round stakes, (*pali*; whence *vites palare*, i. e. *fulcire* vel *pedare*), or by pieces of cleft-oak or olive, not rounded, (*ridicæ*), *Plin. xvii. 22.* which served as props, (*adminicula*, v. *pedamenta*); round which the tendrils (*clavicula*, v. *capreoli*, i. e. *colliculi* v. *cauliculi vitei intorti*, ut *cincinni*, *Varr. i. 31.*) twined. Two reeds or stakes supported each vine, with a stick, (*pertica*), or reed across, called JUGUM or CANTHERIUM, *Col. iv. 12.*; and the tying of the vines to it, CAPITUM CONJUGATIO, et RELIGATIO, *Cic. Sen. 15.*

Sometimes a vine had but a single pole or prop to support it, without a *jugum* or cross-pole; sometimes four poles, with a *jugum* to each; hence called *vitis COMPLUVIATA*, (*a cavis adium compluvii*), *Plin. xvii. 21.*; if but one *jugum*, UNIJUGA, 22. Concerning the fastening of vines to certain trees, See p. 438. The arches formed by the branches joined together, (*cum palmæ sarmento inter se junguntur funium modo*), were called

called FUNETA, *Plin.* xvii. 22. and branches of elms extended to sustain the vines, TABULATA, *flories*, *Virg. G.* ii. 361.

When the branches, (*palmites* v. *pampini*), were too luxuriant, the superfluous shoots or twigs, (*sarmenta*), were lopt off with the pruning-knife, (*ferro amputata*), *Cic. Sen.* 15.: Hence VITES *compscere*, vel *castigare*; *comas stringere*, *brachia tondere*, *Virg. G.* ii. 368. *Pampinare* for *pampinos decerpere*, to lop off the small branches, *Plin.* xviii. 27.

The highest shoots were called FLAGELLA, *Virg. G.* ii. 299.; the branches on which the fruit grew, PALMÆ; the ligneous, or woody part of a vine, MATERIA; a branch springing from the stock, PAMPINARIUM; from another branch, FRUCTUARIUM; the mark of a hack or chop, CICATRIX; whence *cicatricoscos*, *Plin.* xvii. 22.; *Col.* v. 6.

The vines supported by cross-stakes in dressing, were usually cut in the form of the letter X, which was called DECUSSATIO, *Colum.* iv. 17.

The fruit of the vine was called UVA, a grape; put for a vine, *Virg. G.* ii. 60.; for wine, *Horat. Od.* i. 20. 10.; for a vine-branch, (*pampinus*), *Ovid. Met.* iii. 666.; for a swarm (*examen*) of bees, *Virg. G.* iv. 558. properly not a single berry, (*acinus*, v. *um*), *Suet. Aug.* 76.; but a cluster, (RACEMUS, i. e. *acinarum congeries*, *cum pediculis*), *Col.* xi. 2.

The stone of the grape was called VINACEUS, -um, or *acinus vinaceus*, *Cic. Sen.* 15. Any cluster of flowers or berries, (*racemus in orbem circumactus*), particularly of ivy, (*hedera*), was called CORYMBUS, *Plin.* xvi. 34.; *Virg. Ecl.* iii. 39.; *Ovid. Met.* iii. 665.; *crocei corymbi*, i. e. *flores*, *Col.* x. 301.

The season when the grapes were gathered, was called VINDEMIA, the vintage, (*a vino demendo*, i. e. *uvīs legendis*); whence *vindemiator*, a gatherer of grapes, *Horat. Sat.* i. 7. 30.

Vineyards, (VINEÆ, vel *vineta*), as fields, were divided by cross paths, called LIMITES; (hence *limitare*,

tare, to divide or separate, and *limes*, a boundary): The breadth of them was determined by law; See *lex MAMILIA*. A path or road from east to west, was called DECIMANUS, sc. *limes*, (*a mensura denum actuum*); from south to north, CARDO, (*a cardine mundi*, i. e. the north pole; thus, mount Taurus is called CARDO, *Liv.* xxxvii. 34.) or *semita*, whence *semitare*, to divide by paths in this direction, because they were usually narrower than the other paths. The spaces, (*areae*), included betwixt two *semitae*, were called PAGINÆ, comprehending each the breadth of five *pali*, or *capita vitium*, distinct vines, *Plin.* xvii. 22.: Hence *agri COMPAGINANTES*, contiguous grounds.

Vines were planted (*seriebantur*) at different distances, according to the nature of the soil, usually at the distance of five feet; sometimes of eight; of twenty feet by the *Umbri* and *Marssi*, who ploughed and sowed corn betwixt the vines, which places they called PORCULETA. Vines which were transplanted, (*translatæ*), bore fruit two years sooner than those that were not, (*satæ*), *Id.*

The *Limites DECUMANI* were called *PRORSI*, i. e. *porro versi*, straight; and the *CARDINES transversi*, cross, *Festus*. From the *decumani* being the chief paths in a field; hence DECUMANUS for *magnus*; thus, *Ova vel poma decumana*, *Fest.* *Acipenser decumanus*, large, *Cic. Fin.* ii. 8. So *Fluctus decimanus*, vel *decimus*, the greatest, *Ovid. Trist.* i. 2. 49.; *Met.* xi. 530; *Sil.* xiv. 122.; *Lucan.* v. 672.; *Senec. Agamn.* 502.; as τριχονη, *tertius fluctus*, among the Greeks. *LIMITES* is also put for the streets of a city, *Liv.* xxxi. 24.

Pliny directs the *limites decumani* in vineyards to be, made eighteen feet broad; and the *cardines*, or *transversi limites*, ten feet broad, *Plin.* xvii. 22. f. 35.

Vines were planted thick in fertile ground, (*pingui campo*), and thinner on hills, but always in exact order, (*ad unguem*), *Virg. G.* ii. 277.

The Romans, in transplanting trees, marked on the bark the way each stood, that it might point to the same quarter of the heaven in the place where it was set, *Virg. G.* ii. 269.

In the different operations of husbandry, they paid the same attention to the rising and setting of the stars, as sailors, *Id. G. i. 204.*; also to the winds, *Id. 51. iii.*

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The names of the chief winds were, *Aquilo*, or *Boreas*, the north-wind; *Zephyrus*, vel *Favonius*, the west wind; *Auster* v. *Notus*, the south-wind; *Eurus*, the east-wind; *Corus*, *Caurus*, v. *Jāpex*, the north-west; *Africus*, the south-west; *Volturnus*, the south-east, &c. But Pliny denominates and places some of these differently, *ii. 47. xviii. 33.*

CARRIAGES of the Romans.

The carriages, (*VEHICULA*, *vestibula*, v. *-acula*), of the ancients, were of various kinds; which are said to have been invented by different persons; by Bacchus and Ceres, *Tibul. ii. 1.*; Minerva, *Cic. Nat. D. iii. 24.*; Erichthonius, *Virg. G. iii. 113.* The Phrygians, *Plin. vii. 56. &c.*

Beasts of burden were most anciently used, (*animalia vel jumenta*, *DOSSUARIA*, vel *dorsualia*, from *DORSUM*, i. e. *tota posterior pars corporis, quod ea devexa fit deorsum, Festus.*) A dorser, dorfel, or dosser, a pannel, or pack-saddle, (*clitella* vel *stratum*), was laid on them to enable them to bear their burden more easily, used chiefly on asses and mules; hence called *CLITELLARII*, humorously applied to porters, (*geruli* vel *bajuli*), *Plaut. Mof. iii. 2. 94.* but not on oxen; hence *CLITELLÆ BOVI SUNT IMPOSITÆ*, when a task is imposed on one, which he is unfit for, *Cic. Att. v. 15.* *BOS CLITELLAS, sc. portat, Quintil. v. 11.*

This

This covering was by later writers called SAGMA; put also for *sella*, or *ephippium*, a saddle for riding on; Hence *jumenta* SAGMARIA, vel *sarcinaria*, et SELLARIA, *Veget.* ii. 10.; *Lamprid. Heliog.* 4.; sometimes with a coarse-cloth below, (*CENTO*, vel *centunculus*, a saddle-cloth.)

A pack horse was called CABALLUS, or CANTHERIUS, v. -um, sc. *jumentum*, (*quasi* *carenterius*, i. e. *equus castratus*, a gelding; *qui hoc distat ab equo, quod majalis a verre*, a barrow, or hog from a boar, *capus a gallo, vervex ab ariete*, Varro), Cic. Fam. ix. 18.

Hence *minimè sis cantherium in fossa*, be not a pack-horse in the ditch, Liv. xxiii. 47. Some make *cantherius* the same with *clitellarius*, an ass or mule, and read; MINIME, sc. *descendam in viam*; SCIS, CANTHERIUM IN FOSSA, sc. *equus habebat obvium*, i. e. you know the fable of the horse meeting an ass in a narrow way, and being trodden down by him, *Scheffer. de re vehic.* Others suppose an allusion to be here made to the prop of a vine, *Gronovius in loc.*

He who drove a beast of burden, was called AGASSO, and more rarely AGITATOR, *Virg. G.* i. 273. A leathern-bag, (*sacculus scorteus*), or wallet, in which one who rode such a beast carried his necessities, was called HIPPOPERA, *Senec. ep.* 87.; MANTICA, *Horat. Sat.* i. 6. 106.; PERA, vel AVERTA, a cloak-bag or portmantau, *Scholiast. ib.*; or BULGA, *Festus*.

An instrument put on the back of a slave, or any other person, to help him to carry his burden, was called ÆRUMNULA, (from *aper, tollo*), FURCA vel FURCILLA, *Festus*; *Plaut. Casin.* ii. 8. 2.; and because Marius, to diminish the number of waggons, which were an incumbrance to the army, appointed that the soldiers should carry their baggage, (*sarcinæ, vasa et cibaria*), tied up in bundles upon *furcæ*, or forks; both the soldiers and these *furcæ*, were called MULIMARIANI, *Fest. in Ærumnula*, & *Frontin.* iv. 1. 7.; *Plutarch. in Mar. Expellere, ejicere, vel extrudere furcæ, vel fur-*

cillâ, to drive away by force, *Horat. ep. i. 10. 24.*; *Cic. Att. xvi. 2.*

Any thing carried, not on the back, but on the shoulders, or in the hands of men, was called *FERCULUM*; as the dishes at an entertainment, *Suet. Aug. 74.*; the spoils at a triumph, *Id. Cas. 37.*; the images of the gods at sacred games, *Id. 76.*; the corpse and other things carried at a funeral, *Id. Cal. 16.*

When persons were carried in a chair or sedan, on which they sat, it was called *SELLA gestatoria, portatoria, v. fertoria*, *Suet. Ner. 26.*; or *CATHEDRA*, *Juvenal. i. 64. vi. 90.*; in a couch or litter, on which they lay extended, *LECTICA*, vel *CUBILE*, *Suet. Dom. 2.*; *Ovid. A. A. i. 487.* used both in the city and on journies, *Tacit. hist. i. 35.*; *Ann. xiv. 4.*; *Plin. ep. iii. 5.*; *Suet. Oth. 6.*; *Ner. 26.*; *Vit. 16.*; sometimes open, and sometimes covered, *Cic. Phil. ii. 41.*; *Att. x. 12.* with curtains of skin or cloth, *Martial. xi. 99. 11.* called *PLAGULÆ*, *Suet. Tit. 10.* which were occasionally drawn aside, *Senec. Suas. 7.*; sometimes with a window of glass, or transparent stone, *Juv. iii. 242. iv. 20.* so that they might either read or write, or sleep in them, *Juv. iii. 249.*

The *sella* and *lectica* of women were of a different construction from those of men; hence *sella vel lectica muliebris*, *Oth. 6.*; the *cathedra* is supposed to have been peculiar to women, *Juv. vi. 91.*; *Mart. xii. 38.* The *sella* usually contained but one; the *lectica*, one or more, *Tacit. hist. iii. 67.*; *Suet. Ner. 9.*; *Cic. 2. fr. ii. 9.* The *sella* had only a small pillow, (*cervical*), to recline the head on, *Juv. vi. 352.* The *lectica* had a mattress, *Senec. ad Marc. 16.* stuffed with feathers; hence *penfiles plumæ*, *Juv. i. 159.*; sometimes with roses, *pulvinus rosâ factus*), *Cic. Verr. v. 11.* probably with ropes below, *Mart. ii. 57. 6.*; *Gell. x. 3.*

The *sellæ* and *lecticæ* were carried by slaves, called *LECTICARII*, *calones geruli, v. bajuli*, *Senec. ep. lxxx. 110.*; dressed commonly in a dark or red *penula*, *Id. ben. iii.*

iii. 28.; tall, (*longi v. procēri*), and handsome, from different countries, *Juv* iii. 249. viii. 132. ix. 142. They were supported on poles, (*ASSERES, vel amites*), *Id.* & *Mart.* ix. 23. 9. not fixt, but removeable, (*exemptiles*), *Suet. Cal.* 58.; placed on the shoulders or necks of the slaves, *Plin. pan.* xxii. 24.; hence they were said *aliquem succollare*, *Suet. Cl.* 10.; and those carried by them, *succol'ari*, *Id. Oth.* 6. who were thus greatly raised above persons on foot, particularly such as were carried in the *sella* or *cathedra*, *Id.*

The *sella* was commonly carried by two, *Juv.* ix. 142.; and the *lectica*, by four; sometimes by six, hence called *hexaphōros*, *Mart.* ii. 81.; and by eight, *OCTOPHOROS, v. -um*, *Id.* vi. 59. ix. 3. See p. 462.

When the *Lectica* was set down, it had four feet to support it, usually of wood, *Catull.* 21.; sometimes of silver or gold, *Athen.* v. 10. The kings of India had *Lecticæ* of solid gold, *Curt.* viii. 9.

The use of *Lecticæ* is thought to have been introduced at Rome from the nations of the East towards the end of the republic. But we find them mentioned long before on journey, and in the army, *Liv.* xxiv. 42.; *Gell.* x. 3.

They do not seem to have been used in the city in the time of Plautus or of Terence; but they were so frequent under Cæsar, that he prohibited the use of them, unless to persons of a certain rank and age, and on certain days, *Suet. Cæs.* 43.; *Cl.* 28. Those who had not sedans of their own, got them to hire, *Juvenal.* vi. 352. ix. 142. Hence we read in later times of *CORPORA et CASTRA Lecticariorum*, who seem to have consisted not only of slaves, but of plebeians of the lowest rank, particularly freed-men, *Mart.* iii. 46. *SELLÆ erant ad exonerandum ventrem aptæ, et PRIVATÆ, vel FAMILIARICÆ, Varr. R. R. i. 14. et PUBLICÆ, Martial.* xii. 78.

A kind of close litter carried (*gestata v. deportata*) by two mules, (*MULI, ex equa et asino*; *HINNI, v. BURDONES, ex equo et asina*), or little horses; *MANNI,*

equi minuti, vel *pumilii*, s. *-iones*, dwarfs), was called **BASTARNA**, mentioned only by later writers.

A carriage without wheels, drawn by any animals, was called **TRAHA**, v. *-eā*, v. *-ga*, a sledge; used in rustic work, in beating out the corn, See p. 534. (called by Varro *Panicum plostellum*, because used for that purpose by the Carthaginians), and among northern nations in travelling on the ice and snow.

Carriages with one wheel were called **UNAROTA**, *Hygin. ii.* A vehicle of this kind drawn by the hands of slaves, **CHIRAMAXIUM**, *Petron. 28.*; or **ARCUMA**, *Festus*. A vehicle with two wheels, **BIROTUM**; with four, *quatrirodium*, (*τετρακύκλος ἄρνη*, v. *τετράτροχος*, *quatuor rotarum currus*, *Homer. Il. 6.*)

Two horses yoked to a carriage were called **BIGÆ**, *bijūgi*, v. *bijuges*; three, *trigæ*; and four, *quadrigæ*, *quadrijūgi*, v. *-ges*; frequently put for the chariot itself, *bi-juge curriculum*, *Suet. Cal. 19.*; *quadrijugus currus*, *Virg. G. iii. 18.*; but *Curriculum* is oftener put for *curfus*, the race, *Cic. Rabir. 10.*; *Marcell. 2.*; *Horat. od. i. 1.* We also read of a chariot drawn by six horses, joined together a-breast, (*sejūger*, v. *-gi*, *Plin. xxxiv. 5.*); for so the Romans always yoked their horses in their race-chariots; Nero once drove a chariot at the Olympic games, drawn by ten horses, (*aurigavit decemjugem*, s. *currum*), *Suet. N. 24.* See also *Aug. 94.*

Those who drove chariots in the circus at Rome, with whatever number of horses, were called **QUADRIGARII**, *Suet. Ner. 16.*; from the *quadrigæ* being most frequently used; hence **FACTIONES QUADRIGARIORUM**, *Festus*.

Those who rode two horses joined together, leaping quickly from the one to the other, were called **DESULTORES**; hence *desultor*, v. *desertor amoris*, inconstant, *Ovid. Am. i. 3. 15.*; and the horses themselves **DESULTORII**, *Liv. xlv. 9.*; *Suet. Cas. 39.*; sometimes successfully used in war, *Liv. xxiii. 29.*

The vehicles used in races were called **CURRUS**, or *curricula*, chariots, *a currendo*, from their velocity; having

ving only two wheels, by whatever number of horses they were drawn : So those used in war by different nations ; of which some were armed with scythes, (*currus falcati, falcatae-quadrigæ*), in different forms, *Liv.* xxxvii. 41. & 42. ; *Curt.* iv. 9. Also those used by the Roman magistrates, the consuls, prætors, censors, and chief Ædiles, whence they were called *MAGISTRATUS CURULES*, *Gell.* iii. 18. ; and the seat on which these magistrates sat in the senate-house, the *rostra*, or tribunal of justice, *SELLA CURULIS*, because they carried it with them in their chariots, *Id. & Isidor.* xx. 11.

It was a stool or seat without a back, (*anaclinterium, v. tabulatum a tergo surgens in quod reclinari posset*), with four crooked feet, fixed to the extremities of two cross pieces of wood, joined by a common axis, somewhat in the form of the letter X, (*decussatim*), and covered with leather ; so that it might be occasionally folded together for the convenience of carriage, and set down where-ever the magistrate chose to use it, *Plutarch. in Mar.* ; *Suet. Aug.* 43. ; *Gell.* vi. 9. adorned with ivory ; hence called *CURULE EBUR*, *Horat. ep.* i. 6. 53. ; and *ALTA*, *Sil.* viii. 488. because frequently placed on a tribunal, or because it was the emblem of dignity ; *REGIA*, because first used by the kings, *Liv.* i. 20. ; *Virg. Æn.* xi. 334. ; borrowed from the Tuscans, *Flor.* i. 5.

A carriage in which matrons were carried to games and sacred rites, was called *PILENTUM*, an easy soft vehicle, (*penfile*), *Serv. in Virg. Æn.* viii. 666. with four wheels ; usually painted with various colours, *Isid.* xx. 12. The carriage which matrons used in common (*sesto profestoque*) was called *CARPENTUM*, *Liv.* v. 25. named from Carmenta, the mother of Evander, *Ovid. Fast.* i. 619. commonly with two wheels, and an arched covering ; as the *flamines* used, (*currus arcuatus*), *Liv.* i. 21. 48. ; *Suet. Tib.* 2. ; *Cl.* 11. ; sometimes without a covering, *Liv.* i. 34. Women were prohibited the use of it in the second Punic war by the *Oppian* law, *Liv.* xxxiv. 1. ; which however was soon after repealed, *Id.* 8. ; put for any carriage, *Flor.* i. 18. iii. 2. 10.

A splendid carriage with four wheels, and four horses, adorned with ivory and silver, in which the images of the gods were led in solemn procession from their shrines, (*o sacrariis*), at the *Circensian* games, to a place in the *Circus*, called *PULVINAR*, *Suet. Aug.* 45. where couches were prepared for placing them on, was called *THENSA*, *Festus*. from the thongs stretched before it, (*lora tensa*), *Ascon. in. Cic.* ; *Verr.* i. 59. ; attended by persons of the first rank, in their most magnificent apparel, *Liv.* v. 41. who were said *Thensam DUCERE*, vel *DEDUCERE*, *Id.* & *Suet. Aug.* 43. ; *Vesp.* 5. who delighted to touch the thongs by which the chariot was drawn, (*funemque manu contingere gaudent*), *Ascon. ib.* ; *Virg. Æn.* ii. 239. And if a boy (*puer patrimus et matrimus*) happened to let go (*omittere*) the thong which he held, it behoved the procession to be renewed, *Cic. Resp. H.* 10. & 11.

Under the Emperors, the decreeing of a *Thensa* to any one, was an acknowledgement of his divinity, *Suet. Caf.* 76.

A carriage with two wheels, for travelling expeditiously, was called *CISIUM*, q. *citium*, *Cic. Phil.* ii. 31. ; *S. Rosc.* 7. ; *Senec. ep.* 72. ; the driver, *CISIARIUS*, *Ulpian.* ; drawn usually by three mules, *Auson. ep.* viii. 7. ; its body (*capsum* v. -a) of basket-work, (*PLOXIMUM*, v. -enum), *Festus*. A larger carriage for travelling, with four wheels, was called *RHEDA*, a Gallic word, *Quintil.* i. 9. ; *Cic. Mil.* 10. ; *Att.* v. 17. vi. 1. ; or *CARRUCA*, *Suet. Ner.* 30. ; the driver, *RHEDARIUS*, or *CARRUCARIUS*, *Id.* ; an hired one, *MERTORIA*, *Suet. Caf.* 57. ; both also used in the city, *Martial.* iii. 47. ; sometimes adorned with silver, *Plin.* xxxiii. 11.

An open carriage with four wheels, for persons of inferior rank, as some think, was called *PETORRITUM*, *Gell.* xv. 30. ; *Horat. Sat.* i. 6. 104. also a Gallic word, *Festus*.

A kind of swift carriage used in war by the Gauls and Britains, was called *ESSEDUM*, *Caf. B. G.* iv. 33. ; *Virg. G.* iii. 204. ; the driver, or rather one who fought from it, *ESSEDARIUS*, *Cic. Fam.* vii. 6. ; *Caf.*

v. 19. ; adopted at Rome for common use, *Cic. Phil.* ii. 58. ; *Suet. Cal.* 26. ; *Galb.* vi. 18.

A carriage armed with scythes, used by the same people, *COVINUS*, *Sil.* xvii. 418. ; the driver, *COVINARIUS*, *Tacit. Agr.* xxxv. 36. ; similar to it, was probably *BENNA*, *Festus*.

In the war-chariots of the ancients, there were usually but two persons, one who fought, (*bellator*), and another who directed the horses, (*auriga*, the charioteer), *Virg. Æn.* ix. 330. xii. 469. 624. 737.

An open carriage for heavy burthens (*vehiculum onerarium*) was called *PLAUSTRUM*, or *veha*, (*ῥακᾶ*), a waggon or wain ; generally with two wheels, sometimes four ; drawn commonly by two oxen, or more, *Virg. G.* iii. 536. ; sometimes by asses or mules. A waggon or cart with a coverlet wrought of rushes laid on it, for carrying dung or the like, was called *SCIRPEA*, *Varr. L. L.* iv. 3. ; properly the coverlet itself, sc. *crates* ; *In plaustro scirpea lata fuit*, *Ovid. Fast.* vi. 780. A covered cart or waggon laid with cloaths, for carrying the old or infirm of meaner rank, was called *ARCERA*, *quasi arca*, *Gell.* xx. 1.

The load or weight which a wain could carry at once, (*unâ vecturâ*), was called *VEHES*, v. -is, *Col.* xi. 2.

A waggon with four wheels, was also called *CARRUS* v. -um, by a Gallic name, *Cas.* i. 6. 26. ; *Liv.* x. 28. or *SARRACUM*, *Juvenal.* iii. 255. ; or *EPIRHEDIUM*, *Id.* viii. 66. ; *Quintil.* i. 5. ; and by later writers, *ANGARIA*, vel *CLABULARE* ; also *CARRAGIUM*, and a fortification formed by a number of carriages, *CARRAGO*, *Am. Marcellin.* xxxi. 20.

SARRACA Bootæ, v. -tis, or *plaustra*, is put for two constellations, near the north pole, *Juvenal.* v. 23. ; *Ovid. Met.* ii. 117. called the two bears, (*Arcti geminae*, vel *duæ ἀρκτοι*), *URSA MAJOR*, named *Helice*, (*Parrhâsis*, i. e. *Arcadica*), *Lucan.* ii. 237. ; *Cic. Acad.* iv. 20. from Callisto, the daughter of Lycæon, king of Arcadia, who is said to have been converted into this constellation by
Jupiter,

Jupiter, *Ovid. Met.* ii. 506.; and URSA MINOR, called CYNOSURA, i. e. *κυνος ὄψα*, *canis cauda*, *Cic. N. D.* ii. 41.; *Ovid. Fast.* iii. 106.

The greater bear alone was properly called PLAUSTRUM, *Hygin. poet. Astron.* i. 2. from its resemblance to a waggon, whence we call it *Charles's wain*, or the *plough*; and the stars, which compose it, TRIONES, *Martial.* vi. 58. q. TERIONES, ploughing oxen, *Varr. L. L.* vi. 4.; *Gell.* ii. 21. seven in number, SEPTEMTRIONES, *Cic. ib.* 42. But *plaustra* in the plur. is applied to both bears; hence called GEMINI TRIONES, *Virg. Æn.* i. 744. also *inoccidui*, v. *nunquam occidentes*, because they never set, *Cic. ib.* *Oceani metuentes æquore tingi*, *Virg. G.* i. 246. for a reason mentioned, *Ovid. Fast.* ii. 191.; and *tardi vel pigri*, because from their vicinity to the pole, they appear to move slow; *Neque se quòquam in cælo commovent*, *Plaut. Amph.* i. 1. 117.

The *Ursa Major* is attended by the constellation BOOTES, q. *bubulcus*, the ox-driver, *Cic. N. D.* ii. 42. said to be retarded by the slowness of his wains, *Ovid Met.* ii. 177. named also ARCTOPHYLAX, q. *ursæ custos*, *Manil.* i. 315.; into which constellation *Arcas*, the son of *Callisto* by Jupiter, was changed, and thus joined with his mother, *Ovid. Met.* ii. 506. viii. 206. A star in it of the first magnitude was called ARCTURUS, q. *ἀρκτυρ ὄψα*, *ursæ cauda*; STELLA POST CAUDAM URSÆ MAJORIS, *Serv. in Virg. Æn.* i. 744. iii. 516. *G.* i. 204.; said to be the same with *Bootes*, *Id. G.* i. 67. as its name properly implies, *ἀρκτυρ ὄψα*, *ursæ custos*. Around the pole, moved the dragon, (*draco* v. *anguis*, approaching the *ursa major* with its tail, and surrounding the *ursa minor* with its body, *Virg. G.* i. 244.

The principal parts of a carriage were, 1. The wheels, (ROTÆ), the body of the carriage, (CAPSUM, -us, v. -a; PLOXEMUM, v. -us, *Festus.*); and draught-trée, (TEMO); to which the animals which drew it, were yoked.

The

The wheels consisted of the axle-tree, (AXIS), a round beam, (*lignum*, v. *stipes teres*); on which the wheel turns; the nave, (*modiölus*), in which the axle moves, and the spokes, (RADII), are fixed; the circumference of the wheel, (*peripheria*, v. *rota summa curvatura*, Ovid. Met. ii. 108.) composed of fellyes, (*ap-sides*), in which the spokes are fastened, commonly surrounded with an iron ring, (*canthus*), Quintil. i. 5. 8.; Pers. v. 71.

A wheel without spokes, (*non radiata*), was called TYMPANUM, from its resemblance to the end of a drum. It was made of solid boards, (*tabulae*), fixed to a square piece of wood, as an *axis*, without a nave, and strengthened by cross-bars, (*transversis asseribus*), with an iron ring around, (*ferreus canthus*); so that the whole turned together on the extremity of the *axis*, called CARDINES, Probus. in Virg. G. i. 163. Such wheels were chiefly used in rustic wains, Ibid. G. ii. 444.; as they still are in this country, and called *tumblers*. *Tympänum* is also put for a large wheel, moved by horses or men, for raising weights from a ship, or the like, by means of pulleys, (*trochleæ*), ropes and hooks, a kind of crane, (*tolleno*, *grus*, v. *γράνος*), Lucret. iv. 903.; or for drawing water, (*machina haus-toria*), Vitruv. x. 9. Curva ANTLIA, Mart. ix. 19. ANCLA v. ANTHA, Suet. Tib. 51. (*ἀντλημα*, John vi. 11.) HAUSTRUM, v. *rota aquaria*, sometimes turned by the force of water, Lucret. v. 317. The water was raised through a siphon, (*sipho*, v. *-on*, *fistula*, v. *canalis*), by the force of a sucker, (*embölus*, v. *-um*), as in a pump, or by means of buckets, (*modioli* v. *hamae*).

From the supposed diurnal rotation of the heavenly bodies. AXIS is put for the line around which they were thought to turn, Cic. de Univ. 10.; Vitruv. ix. 2.; and the ends of the *axis*, CARDINES, VERTICES, vel POLI, for the north and south poles, Cic. N. D. ii. 41.; Virg. G. i. 242.; Plin. ii. 15. AXIS and POLUS are sometimes put for *calum*, or *ather*; thus, *sub ætheris axe*, i. e. *sub diö vel aëre*, Virg. Æn. ii. 512. viii. 28.; lucidus

lucidus solus, iii. 585. *Cardines mundi quatuor*, the four cardinal points; *SEPTENTRIO*, the north; *MERIDIES*, the south; *ORIENS*, (sc. *sol. vel ortus solis*), the east; *OC-CIDENS*, v. *occasus solis*, the west, *Quintil.* xii. 10. 67.; *cardo Eous*, the east, *Stat. Theb.* i. 157.; *occiduus*, v. *Hesperius*, the west, *Lucan.* iv. 672. v. 71. In the north Jupiter was supposed to reside; hence it is called *DOMICILIUM JOVIS*, *Serv. Virg. Æn.* ii. 693. *SEDES DEORUM*, *Festus*. in *SINISTRÆ AVES*: and, as some think, *PORTA COELI*, *Virg. G.* iii. 261.; thus, *Tempestas a vertice*, for a *septentrione*, *Id.* i. 310.

The animals usually yoked in carriages, were horses, oxen, asses, and mules, sometimes camels, *Suet. Ner.* 11.; *Plin.* viii. 18.; elephants, *Curt.* viii. 9.; *Plin.* viii. 2.; *Suet. Cl.* 11.; *Senec. de Ir.* ii. 31.; and even lions, *Plin.* viii. 16.; tigers, leopards, and bears, *Martial.* i. 105.; dogs, *Lamprid. Heliog.* 28.; goats and deer, *Mart.* i. 52.; also men, *Plin.* xxxiii. 3.; *Lucan.* x. 276.; and women, *Lamprid. ib.* 29.

Animals were joined to a carriage, (*vehiculo* v. *ad vehiculum* *jungebantur*, *Virg. Æn.* vii. 724.; *Cic. Att.* vi. 1.; *Suet. Cæs.* 31.) by what was called *JUGUM*, a yoke; usually made of wood, but sometimes also of metal, *Horat. od.* iii. 9. 18.; *Jerem.* xxviii. 13. placed upon the neck, one yoke commonly upon two; of a crooked form, *Ovid. Fast.* iv. 216. with a bend (*curvatura*) for the neck of each: Hence *sub jugo cogere*, v. *jungere*; *colla* v. *cervices jugo subjicere*, *subdere*, *submittere*, v. *supponere*, & *eripere*: *JUGUM subire*, *cervice ferre*, *detrectare*, *exuere*, *a cervicibus dejicere*, *excutere*, &c.

The yoke was tied to the necks of the animals, and to the pole or team with leathern-thongs, (*lora* *SUBJUGIA*), *Cato* 63.; *Vitruv.* x. 8.

When one pair of horses was not sufficient to draw a carriage, another pair was added in a straight line before, and yoked in the same manner. If only a third horse was added, he was bound with nothing but ropes, without any yoke.

When more horses than two were joined a-breast, (*æquata fronte*), a custom which is said to have been introduced

introduced by one Clisthenes of Sicyon, two horses only were yoked to the carriage, called JUGALES, *jugarii*, v. *juges*, (ζυγοί). *Festus*; and the others were bound (*appensi vel adjuncti*) on each side with ropes; hence called FUNALES EQUI, *Suet. Tib. 6.*; *Stat. Theb. vi. 461.* (ζυγαφοροι, ζυγαίαι, v. παρῳοί), *Dionys. vii. 9.*; *Isidor. xvii. 35.*; *Zonar. Ann. ii.*; or FUNES, *Auson. epitaph. xxxv. 10.*; in a chariot of four, (*in quadrigis*), the horse on the right, DEXTER v. *primus*; on the left, SINISTER, *laevus* v. *secundus*, *Id.* This method of yoking horses was chiefly used in the Circensian games, or in a triumph.

The instruments by which animals were driven, or excited, were, 1. The lash or whip, (*Flagrum*, v. FLAGELLUM, *μαστιξ*), made of leathern-thongs, (*SCUTICA*, *loris horridis*, *σκυτάλη*, *Martial. x. 62.*) or twisted cords, tied to the end of a stick, sometimes sharpened (*aculeati*) with small bits of iron or lead at the end, (*HORRIBILE FLAGELLUM*, *Horat. Sat. i. 3. 117.*); and divided into several lashes, (*tania* v. *lora*), called SCORPIONS, 1 *Kings, xii. 11.*

— 2. A rod, (*VIRGA*, *Juvenal. iii. 317.*; *Lucan. iv. 683.*); or goad, (*STIMULUS*, i. e. *pertusa cum cus- pide acuta*, a pole or long stick, with a sharp point: Hence *stimulos alicui adhibere*, *admove*, *addere*, *adjicere*; *stimulis fodere*, *incitare*, &c. *Adversus stimulum calces*, sc. *jactare*, to kick against the goad, *Ter. Phorm. i. 2. 28.*; *πρὸς κέντρα λακτίζειν*, *in stimulos calcitrare*, *Acts, ix. 5.*

— And 3. A spur, (*CALCAR*, *quod calci equitis al- ligetur*; *ferrata calce cunctantem impellebat equum*, *Sil. vii. 696.*); used only by riders: Hence *equo calcaria addere*, *subdere*, &c. *Alter frenis eget, alter calcaribus*, said by Iso- crates of Ephorus and Theopompus, *Cic. Att. vi. 1.*; *O- rat. iii. 9.*

The instruments used for restraining and managing horses, were, — 1. The bit or bridle, (*FRÆNUM*, *pl. -i*, v. *-a*); said to have been invented by the *Lapithæ*, a people of Thessaly, *Virg. G. iii. 115.*; or by one Pe- lethronius, *Plin. vii. 56.*; the part which went round

the ears, was called *AUREA*; that which was put in the mouth, properly the *iron* or *bit*, *OREA*, *Festus*.; sometimes made unequal and rough, like a wolf's teeth, particularly when the horse was headstrong, (*TENAX*), *Liv.* xxxix. 5.; *Ovid. Am.* iii. 4. 13.; hence *frena* *LUPATA*, *Horat. Od.* i. 8. 6.; *Virg. G.* iii. 208.; *Ovid. Am.* i. 2. 15.; or *LUPI*, *Id. Trist.* iv. 6. 4. *Frena injicere, concutere, accipere, mandere, detrahere, laxare, &c. Fre-num mordere*, to be impatient under restraint or subjection, *Cic. Fam.* xi. 23.; but in *Martial.* i. 105. & *Stat. Silv.* i. 2. 28. to bear tamely.

The bit was sometimes made of gold, as the collars, (*monilia*), which hung from the horse's neck; and the coverings for their backs (*strata*) were adorned with gold and purple, *Virg. A.* vii. 279.

— 2. The reins, (*HABENÆ*, vel *Lora*); hence *habenās corripere, flectere* v. *moliri*, to manage; *dare, im-mittere, effundere, laxare, permittere*, to let out; *adducere*, to draw in.

To certain animals, a head-stall or muzzle, (*CAPIS-TRUM*), was applied, *Virg. G.* iii. 188.; sometimes with iron-spikes fixed to it, as to calves or the like, when weaned, *Id.* 399.; or with a covering for the mouth, (*fiscella*); hence *fiscellis capistrare boves*, to muzzle, *Plin.* xviii. 19.; *φιμῶν*, *Deut.* xxv. 4.; *os consuere*, *Senec. ep.* 47. But *Capistrum* is also put for any rope or cord; hence *vitem capistro constringere*, to bind, *Columel.* iv. 20.; *Fumenta capistrare*, to tie with a halter, or fasten to the stall, *Id.* vi. 19.

The person who directed a chariot and the horses, was called *AURIGA*, (*ἡνίοχος, qui lora tenebat*); or *agitator*, (*ἰλάτης*), the charioteer or driver, *Ovid. Met.* ii. 327.; *Cic. Att.* xiii. 21.; *Acad.* iv. 29. But these names are applied chiefly to those who contended in the Circus, *Suet. Cal.* 54.; *Ner.* xxii. 24.; *Plin. ep.* ix. 6. or directed chariots in war, *Virg.* Hence *AURIGARE* for *currum regere*; and *AURIGARIUS*, a person, who kept chariots for running in the circus, *Suet. ib.*

Auriga is the name of a constellation, in which are
two

two stars, called HÆDI, the kids; above the horns of *Taurus*, *Serv. in Virg. Æn.* ix. 668.; on the head of *Taurus*, are the *Hyades*, (*ab hyv. pluvre*); or *Sucula*, (*a suibus*), *Cic. N. D.* ii. 43.; *Gell.* xiii. 9.; called *Pluviæ* by *Virgil, Æn.* iii. 516.; and *Tristes*, by *Horace*; because at their rising and setting, they were supposed to produce rains, *Od.* i. 3. 14.; on the neck, or, as *Servius* says, *G.* i. 137. *ante genua tauri*, **PLEIADES**, or **VERGILIÆ**, the seven stars.

AGITATOR is also put for *agāso*, (*qui jumenta agebat*), a person, who drove any beasts on foot, *Virg. G.* i. 273. But drivers were commonly denominated from the name of the carriage; thus, *rhedarius*, *plaustrarius*, &c.; or of the animals which drew it; thus, **MULIO**, *Suet. Ner.* 30.; *Senec. ep.* 87.; *Martial.* ix. 58. xii. 24.; commonly put for a *mulcteer*, who drove mules of burden, (*mulī clitelarii*), *Martial.* x. 2. & 76.; as *equīso*, for a person, who broke or trained horses, (*equorum domitor, qui solutim incedere, vel badizare docebat*, to go with an ambling pace), under the *Magister Equorum*, the chief manager of horses, *Varro*.

The driver commonly sat behind the pole, with the whip in his right hand, and the reins in the left; hence he was said *sedere primā sellā*, *Phædr.* iii. 6.; *sedere temone*, vel *primo temone*, i. e. *in sella proxima temoni*, *Stat. Sylv.* i. 2. 144.; *Propert.* iv. 8.; and *temone labi*, vel *excuti*, to be thrown from his seat, *Virg. Æn.* xii. 470.; sometimes drest in red, (*canusinatus*, i. e. *veste Canusii confecta indutus*, *Suet. Ner.* 30.; or scarlet, (*cocco*), *Martial.* x. 76.; sometimes he walked on foot, *Liv.* i. 48.; *Dionys.* iv.; *Senec. ep.* 87.

When he made the carriage go slower, he was said, *curram equosque sustinere*, *Cic. Att.* xiii. 21.; when he drew it back or aside, *retorquere et avertere*, *Virg.* xii. 485.

Those who rode in a carriage, or on horseback, were said *vehi*, or *portari*, *evehi*, or *invehi*; those carried in a hired vehicle, (*vehiculo meritorio*), **VECTORES**; but *vector*

is also put for one who carries, *Ovid. Fast. i. 433. Fulminis vector aquila*, Stat. ; as *vehens* for one who is carried, *Cic. Clar. or. 97. ; Justin. xi. 7. ; Gell. v. 6. ; so invehens*, *Cic. N. D. i. 28.*

When a person mounted a chariot, he was said *Currum conscendere, ad,—v. inscendere, et insilire*, which is usually applied to mounting on horseback ; *salu in curru emicare*, *Virg. xii. 327.* ; when helped up, or taken up by any one, *curru v. in curru tolli*. The time for mounting in hired carriages was intimated by the driver's cracking his whip, *Juvenal. iii. 317.* ; to dismount, *descendere v. desilire*.

The Romans painted their carriages with different colours, *Serv. Virg. A. viii. 666.* ; and decorated them with various ornaments, with gold and silver, and even with precious stones, *Plin. xxxiii. 3.* ; as the Persians, *Curt. iii. 3. x. 1.* Hence *Ovid. Met. ii. 107.*

Of the CITY.

Rome was built on seven hills, (*colles, montes, arces, vel juga*, nempe, *Palatinus, Quirinālis, Aventinus, Caelius, Viminālis, Exquilinus, et Janicularis*) ; hence called *urbs SEPTICOLLIS* ; by the Greeks, *ἑπτάκορος*, *Serv. in Æn. vi. 784. G. ii. 535.* ; and a festival was celebrated in December, called *SEPTIMONTIUM*, *Festus. ; Suet. Dom. 4.* to commemorate the addition of the 7th hill, *Plutarch. q. Rom. 68.*

The *Janiculum* seems to be improperly ranked by *Servius* among the seven hills of Rome ; because although built on, and fortified by *Ancus*, *Liv. i. 33.* ; it does not appear to have been included within the city,

ty, *Id.* ii. 10. 51.; *Dio.* 37.; *Gell.* xv. 27.; although the contrary is asserted by several authors, *Eutrop.* i. 5. The *Collis Capitolinus*, vel *Tarpeius*, which Servius omits, ought to have been put instead of it.

The *Faniculum*, *Collis Hortulorum*, and *Vaticanus* were afterwards added.

1. *Mons PALATINUS*, vel *PALATIUM*, the Palatine mount, on which alone Romulus built. Here Augustus had his house, and the succeeding Emperors; as Romulus had before: Hence *PALATIUM*, a palace, *Suet.* 72.; *Dio.* 53.; and in later times, those who attended the Emperor, were called *PALATINI*.

2. *CAPITOLINUS*; so called from the Capitol built on it, formerly named *SATURNIUS*, from Saturn's having dwelt there, *Justin.* xliii. 1.; *Virg.* *ibid.*; and *TARPEIUS*, from Tarpeia, who betrayed the citadel to the Sabines, *Liv.* i. 11.; to whom that mount was assigned to dwell in, *Liv.* i. 33.

3. *AVENTINUS*, named from an Alban king of that name, who was buried on it, *Liv.* i. 3.; the place which Remus chose to take the omens, *Ib.* 6.; therefore said not to have been included within the *Pomerium*, *Gell.* xiii. 14.; *Senec. de brev. vite*, 14. till the time of Claudius, *Ibid.* But others say, it was joined to the city by Ancus, *Liv.* i. 33.; *Dionys.* iii. xi.; called also *Collis MURCIUS*, from *Murcia*, the goddess of sleep, who had a chapel, (*sacellum*), on it, *Festus.* *Collis DIANÆ*, from a temple of Diana; and *REMONIUS*, from *Remus*, who wished the city to be founded there.

4. *QUIRINALIS*, is supposed to have been named from a temple of Romulus, called also *Quirinus*, which stood on it, *Horat. ep.* ii. 268.; *Ovid. Fast.* iv. 375.; or from the Sabines who came from *Cures*, and dwelt there, *Festus.*; added to the city by Servius, *Liv.* i. 44.; called in later times, *Mons Caballi*, or *Caballinus*, from two marble horses placed there.

5. **CÆLIUS**, named from **CÆLES Vibenna**, a Tuscan leader, who came to the assistance of the Romans against the Sabines, with a body of men, and got this mount to dwell on, *Varr. L. L. iv. 8.*; added to the city by Romulus, according to *Dionys. ii. p. 113.*; by Tullus Hostilius, according to *Liv. i. 30.*; by Ancus Martius, according to *Strabo, v.*; by Tarquinius Priscus, according to *Tacit. Ann. iv. 65*; anciently called **QUERQUETULANUS**, from the oaks which grew on it, *Ibid.*; in the time of Tiberius, ordered to be called **AUGUSTUS**, *Tacit. Ann. iv. 64.*; *Suet. Tib. 48.*; afterwards named **LATERANUS**, where the Popes long resided, before they removed to the Vatican.

6. **VIMINALIS**, named from thickets of osiers which grew there, (*vimineta*), *Varro.*; or **FAGUTALIS**, (from *fagi*, beeches), *Plin. xvi. 10.*; added to the city by Servius Tullius, *Liv. i. 44.*

7. **EXQUILINUS**, *Exquilæ*, vel *Esquilæ*, supposed to be named from thickets of oaks, (*æsculeta*), which grew on it, *Varro.*; or from watches kept there, (*excubie*), *Ovid. Fast. iii. 246.*; added to the city by Servius Tullius, *Liv. i. 44.*

JANICULUM, named from Janus, who is said to have first built on it, *Virg. Æn. viii. 358.*; *Ovid. Fast. i. 246.*; the most favourable place for taking a view of the city, *Martial. iv. 64. vii. 16.* From its sparkling sands, it got the name of *Mons Aureus*, and by corruption, **MONTORIUS**.

VATICANUS, so called, because the Romans got possession of it, by expelling the Tuscans, according to the counsel of the soothsayers, (*vates*), *Festus.*; or from the predictions uttered there, *Gell. xvi. 17.*; adjoining to the *Janiculum*, on the north side of the Tiber, *Horat. Od. i. 20.*; disliked by the ancients, on account of its bad air, (*infamis aer*, *Frontin.*); *Tacit. hist. ii. 93.*; noted for producing bad wine, *Mart. vi. 92. xii. 48. 14.*; now the principal place in Rome, where are the Pope's palace, called *St Angelo*, the *Vatican*

tican library, one of the finest in the world, and St Peter's church.

COLLIS HORTULORUM, so called, from its being originally covered with gardens, *Suet. Ner. 50.*; taken in to the city by Aurelian; afterwards called **PINCIVS**, from the *Pincii*, a noble family, who had their seat there.

The gates of Rome at the death of Romulus, were three, or at most four; in the time of Pliny thirty-seven, when the circumference of the walls was thirteen miles, 200 paces; it was divided by Augustus into fourteen *regiones*, wards or quarters, *Plin. iii. 5. f. 9.*

The principal gates were, — 1. **PORTA FLAMINIA**, through which the *Flaminian* road passed; called also **FLUMENTANA**, because it lay near the Tiber. — 2. **COLLINA**, (*a collibus Quirinali et Viminali*); called also **QUIRINALIS**, **AGONENSIS** vel **SALARIA**, *Festus.*; *Liv. v. 41.*; *Tacit. hist. iii. 82.* To this gate, Hannibal rode up, *Liv. xxvi. 10.* and threw a spear within the city, *Plin.* — 3. **VIMINALIS**. — 4. **ESQUILINA**, anciently *Metia*, *Labicana*, vel *Lavicana*, without which criminals were punished, *Plaut. Cas. ii. 6. 2.*; *Horat. Epod. v. 99.*; *Tacit. Ann. ii. 32.* — 5. **NÆVIA**, so called from one *Nævius*, who possessed the grounds near it, *Varr. L. L. iv. 34.* — 6. **CARMENTALIS**, through which the *Fabii* went, *Liv. ii. 49.*; from their fate called **SCELERATA**, *Festus.* — 7. **CAPENA**, through which the road to Capua passed. — 8. **TRIUMPHALIS**, through which those who triumphed, entered, *Cic. Hist. 23.*; but authors are not agreed where it stood.

Betwixt the *Porta Viminalis*, and *Esquilina*, without the wall, is supposed to have been the camp of the **PRÆTORIAN** cohorts or *milites PRÆTORIANI*, a body of troops, instituted by Augustus to guard his person, and called by that name, in imitation of the select band, which attended a Roman General in battle;

tle; See p. 359. composed of nine cohorts, *Tacit. Ann.* iv. 5.; *Suet. Aug.* 49.; according to Dio Cassius, of ten, *Dio.* lv.; consisting each of a thousand men, horse and foot, *Ibid.* & *Suet. Cal.* 45.; chosen only from Italy, chiefly from Etruria and Umbria, or ancient Latium, *Tacit. Ann.* iv. 5.; *Hist.* i. 84. Under Vitellius, sixteen Prætorian cohorts were raised, and four to guard the city, *Id. Hist.* ii. 93. Of these last, Augustus instituted only three, *Id. Ann.* iv. 5.

Those only were allowed to enlarge the city, (*pomerium proferre*), who had extended the limits of the Empire. Tacitus, however, observes, that although several generals had subdued many nations, yet no one after the kings, assumed the right of enlarging the *pomerium*, except Sylla and Augustus, to the time of Claudius, *Annal.* xii. 24. But other authors say, this was done also by Julius Cæsar, *Cic. Att.* xiii. 13.; *Dio.* 43.; *Gell.* xiii. 14. The last who did it, was Aurelian, *Vopisc. in Aurel.*

Concerning the number of inhabitants in ancient Rome, we can only form conjectures *Lipsius* computes them in its most flourishing state at four millions.

Public BUILDINGS of the Romans.

I. TEMPLES. Of these, the chief were,

1. The CAPITOL, so called, because when the foundations of it were laid, a human head is said to have been found, (*caput Oli vel Toli cujusdam*), *Liv.* i. 38. 55.; *Serv. in Virg. Æn.* viii. 345.; built on the Tarpeian or Capitoline mount, by Tarquinius Superbus;

bus; burnt, A. U. 670.; rebuilt by Sylla, and dedicated by Q. Catulus, A. 675.; again burnt by the soldiers of Vitellius, A. D. 70. *Tacit. hist. iii. 72.*; and rebuilt by Vespasian. At his death, it was burnt a third time, and restored by Domitian, with greater magnificence than ever, *Suet. Dom. 5.* A few vestiges of it still remain.

The Capitol was the highest part in the city, and strongly fortified; hence called ARX, *Virg. Æn. viii. 652.* The ascent from the Forum was by 100 steps, *Tacit. hist. iii. 71.*; *Liv. viii. 6.* It was most magnificently adorned; the very gilding of it is said to have cost 12,000 talents, i. e. L. 1,976,250, *Plutarch in Poplic.*; hence called AUREA, *Virg. ib. 348.* The gates were of brass, *Liv. x. 23.*; and the tiles gilt, *Plin. xxxiii. 3.*

The temple was consecrated to Jupiter, Minerva, and Juno, *Dionys. iii.* The cell of Jupiter, *Gell. vii. 1.* was in the middle, that of Minerva on the right, and of Juno on the left. Hence *proximos illi, (sc. Jovi), tamen occupavit Pallas honores, Horat. od. i. 12. 19.*

In the Capitol, were likewise the temples of *Terminus, Liv. i. 54.*; of Jupiter Feretrius, *Id. iv. 20.*; *Nep. Att. 20. &c.* *Casa Romuli*, the cottage of Romulus, covered with straw, *Vitruv. ii. 1.* near the *Curia Calabra, Macrob. Sat. i. 1.*; *Senec. Contr. i. 6.*; *Ovid. Fast. iii. 183.*

Near the ascent to the Capitol, was the ASYLUM, or sanctuary, *Liv. i. 8.* which Romulus opened; *See p. 41.* in imitation of the Greeks, *Serv. in Virg. Æn. viii. 342. ii. 761.*; *Stat. Theb. 498.*; *Liv. xxxv. 51.*; *Cic. Verr. i. 33.*; *Tacit. Ann. iv. 14.*

2. The PANTHEON, built by Agrippa, son-in-law to Augustus, and dedicated to Jupiter *Ultor, Plin. xxxvi. 15.*; or to Mars and Venus, *Dio. 53.*; or as its name imports to all the gods; *See p. 298.*; consecrated by Pope Boniface IV. to the Virgin Mary, and All-Saints, A. D. 607. now called the *Rotundo*, from its round

round figure, said to be 140 feet high, and about the same breadth. The roof is curiously vaulted, void spaces being left here and there for the greater strength. It has no windows, but only an opening in the top for the admission of light. The walls in the inside are either solid marble or incrusted. The front on the outside was covered with brazen plates gilt, the top with silver-plates, but now it is covered with lead. The gate was of brass of extraordinary work and size. They used to ascend to it by twelve steps, but now they go down as many; the earth around being so much raised by the demolition of houses.

3. The temple of Apollo built by Augustus on the Palatine hill, *Suet. Aug.* 29.; in which was a public library, *Hor. ep.* i. 3. 17.; where authors, particularly poets, used to recite their compositions, *Id. Sat.* i. 10. 38.; sitting in full dress, *Perf.* i. 15.; sometimes before select judges, who passed sentence on their comparative merits. The poets were then said *committi*, to be contrasted or matched, *Suet. Aug.* 89.; *Juvenal.* vi. 435.; as combatants, *Suet. Aug.* 45.; and the reciters, *committere opera*, *Suet. Cl.* 4. Hence Caligula said of Seneca, that he only composed COMMISSIONES, shewy declamations, *Suet. C.* 53.

A particular place is said to have been built for this purpose by Hadrian, and consecrated to Minerva, called ATHENÆUM, *Aurel. Vict.*;—*Capitol. in Gord.* 3.; *Pertin.* 11.

Authors used studiously to invite people to hear them recite their works, who commonly received them with acclamations, *Plin. ep.* ii. 14.; thus, BENE, *pulchrè, bellè, euge*; NON POTEST MELIUS, *Cic. Orat.* iii. 26.; *Horat. art. P.* 428.; *Perf.* i. 49. 84.; *Mart.* ii. 27. SOPHOS, i. e. *sapienter*, (σοφως), *scitè, doctè*, *Mart.* i. 4. 7.—50. 37.—67. 4.—77. 9.

4. The temple of Diana, built on the Aventine mount, at the instigation of Servius Tullius, by the Latin States, in conjunction with the Roman people, in imitation of the temple of Diana at Ephesus, which

was

was built at the joint expence of the Greek States in Asia, *Liv.* i. 45.

5. The temple of Janus, built by Numa, (*index belli et pacis*), with two brazen gates, one on each side, to be open in war, and shut in time of peace, *Liv.* i. 19.; *Serv. in Virg.* i. 294. vii. 607.; shut only once during the republic, at the end of the first Punic war, *Ibid.*; thrice by Augustus, (*Janum Quirinum*, i. e. *Templum Jani belli potentis, ter clausit*, *Suet. Aug.* 22. *Janum Quirini*, *Hor. od.* iv. 15. 9.); first after the battle of Actium, and the death of Antony and Cleopatra; a second time, after the Cantabrian war; about the third time, authors are not agreed. Some suppose this temple to have been built by Romulus, and only enlarged by Numa: Hence they take *Janus Quirini* for the temple of Janus, built by Romulus, *Macrobi. Sat.* i. 9.

6. The temples of *Saturn, Juno, Mars, Venus, Minerva, Neptune, &c.* of *Fortuna*, of which there were many, of *Concord, Peace, &c.*

II. Theatres, *see p.* 343.; Amphitheatres, *p.* 321.; and places for exercise or amusement.

ODEUM, (*ὀδῆον*, from *ὀδω, cano*), a building, where musicians and actors rehearsed, or privately exercised themselves before appearing on the stage, *Cic. Att.* iv. 16.; *Suet. Dom.* 5.

NYMPHÆUM, a building adorned with statues of the nymphs, and abounding, as it is thought, with fountains and water-falls, which afforded an agreeable and refreshing coolness; borrowed from the Greeks, *Plin.* xxxv. 12. f. 43.; long of being introduced at Rome, *Capitol. Gord.* 32. unless we suppose it the same with the temple of the nymphs, mentioned by *Cic. Mil.* 27.; *Arusp.* 27.

CIRCI. The CIRCUS MAXIMUS, *See p.* 314.; CIRCUS FLAMINIUS, laid out by one Flaminius, called also *Apollinaris*, from a temple of Apollo near it, *Liv.* iii. 54. 63.; used not only for the celebration of games, but

but also for making harangues to the people, *Cic. post. red. in Sen. 6. ; Sext. 14.*

The CIRCUS MAXIMUS was much frequented by sharpers and fortune-tellers, (*fortilégi*), hence called FALLAX, *Horat. Sat. i. 6. 113.*

Several new *Circi* were added by the Emperors, Nero, *Tacit. Ann. xiv. 14.* Caracalla, Heliogabalus, &c.

STADIA, places nearly in the form of *Circi*, for the running of men and horses, *Suet. Cas. 39. ; Dom. 5.* HIPPODROMI, places for the running or coursing of horses, *Plaut. Bacch. iii. 3. 27.*; also laid out for private use, *Martial. xii. 50.*; especially in country-villas, *Plin. ep. v. 6.*; but here some read *Hypodromus*, a shady or covered walk, which indeed seems to be meant; as *Sidon. ep. ii. 2.*

PALESTRÆ, GYMNASIA, et XYSTI, places for exercising the *Athleta*; See p. 317.; or *pancratiastæ*, who both wrestled and boxed, (*qui PANCRATIO certabant*, i. e. *omnibus viribus*, πανκράτος), *Senec. ben. v. 3.*; *Gell. iii. 15. xiii. 27.*; *Quintil. ii. 9.*

These places were chiefly in the CAMPUS MARTIUS, a large plain along the Tiber, where the Roman youth performed their exercises, anciently belonging to the Tarquins, and after their expulsion, consecrated to Mars, *Liv. ii. 5.*; called by way of eminence, CAMPUS, *Horat. od. iii. 1. 10.*; *Cic. Cat. i. 5.*; *Off. i. 29.*; put for the *Comitia* held there, *Cic. Orat. iii. 42.*; hence *foris domina campi*, *Cic. Pis. 2.* or the votes; hence *venalis campus*, i. e. *suffragia*, *Lucan. i. 180.* *Campi Nota*, a repulse, *Val. Ma. vi. 9. 14.* or for any thing in which a person exercises himself; hence *latissimus dicendi campus*, in quo liceat oratori vagari liberè, a large field for speaking, *Cic. Off. i. 18.*; *Acad. iv. 35.* *Campus*, in quo excurrere virtus, cognoscique possit. *Cic. Mur. 8.*

NAUMACHIÆ, places for exhibiting naval engagements, built nearly in the form of a *Circus*; VETUS, i. e. *Naumachia Circi Maximi*, *Suet. Tit. 7.* AUGUSTI,

GUSTI, *Id.* 43.; *Tib.* 72. DOMITIANI, *Id.* 5.; *Martial.* *Spect.* 28. These fights were exhibited also in the circus and amphitheatre, *Ibid.* See p. 318.

III. CURIÆ, buildings where the inhabitants of each *Curia* met to perform divine service, *Varro, de L. L.* iv. 32.; see p. 1.; or where the senate assembled, (*SENACULA*), p. 7.

IV. FORA, public places. — Of these the chief was, FORUM ROMANUM, VETUS, vel MAGNUM, a large oblong open space betwixt the Capitoline and Palatine hills, now the cow-market, where the assemblies of the people were held, where justice was administered, and public business transacted; See p. 79. 104. 129. &c.; instituted by Romulus, *Dionys.* ii.; and surrounded with porticos, shops, and buildings by Tarquinius Priscus, *Liv.* i. 35. These shops were chiefly occupied by bankers, (*argentarii*); hence called ARGENTARIÆ, sc. *tabernæ*, *Liv.* xxvi. 11.; hence *ratio pecuniarum*, *quæ in foro versatur*, the state of money-matters, *Cic. Manil.* 7.; *fidem de foro tollere*, to destroy public credit, *Rull.* i. 8.; *in foro versari*, to trade, *Flac.* 29.; *foro cedere*, to become bankrupt, *Senec. ben.* iv. 39. vel *in foro eum non habere*, *Cic. Rabir. Post.* 15.; but *de foro decedere*, not to appear in public, *Nep. Att.* 10.; *in foro esse*, to be engaged in public business, *Id. Cat.* 1. vel *dare operam foro*, *Plaut. Afin.* ii. 4. 22.; *fori tabes*, the rage of litigation, *Tacit. Ann.* xi. 6.; *in alieno foro litigare*, to follow a business one does not understand, *Martial. pref.* xii.

Around the *forum*, were built spacious halls, called BASILICÆ, where courts of justice might sit, and other public business be transacted; See p. 130.; not used in early times, *Liv.* xxvi. 27.; adorned with columns and porticos, *Cic. Verr.* iv. 3. v. 58; *Att.* iv. 16.; afterwards converted into Christian churches.

The *Forum* was altogether surrounded with arched porticos, with proper places left for entrance.

Near the *Rostra*, stood a statue of Marfyas, vel -a, *Horat. Sat.* i. 6. who having presumed to challenge A-

pollo at singing, and being vanquished, was slayed alive, *Liv.* xxxviii. 13.; *Ovid. Fast.* vi. 707. Hence his statue was set up in the *Forum*, to deter unjust litigants.

There was only one *Forum* under the republic. Julius Cæsar added another; the area of which cost *H. S. millies*, i. e. L. 807,291 : 13 : 4, *Suet. Jul.* 26.; and Augustus a third, *Id.* xxix. 31.

Domitian began a fourth *Forum*, which was finished by Nerva, and named from him, FORUM NERVÆ, *Suet. Dom.* 5.; called also TRANSITORIUM, because it served as a convenient passage to the other three, *Lamprid. in Alex.*

But the most splendid *Forum*, was that built by Trajan, and adorned with the spoils he had taken in war, *Marcellin.* xvi. 6.; *Gell.* xiii. 23.

There were also various FORA, or market-places, where certain commodities were sold; thus, *Forum BO-ARIUM*, the ox and cow market, *Festus.*; in which stood a brazen statue of a bull, *Tacit.* xii. 24.; adjoining to the Circus Maximus, *Ovid. Fast.* vi. 477.; *SU-ARIUM*, the swine-market; *PISCARIUM*, the fish-market; *OLITORIUM*, the green-market; *Forum CUPEDINIS*, where pastry and confections were sold; all contiguous to one another, along the Tiber: when joined together called *MACELLUM*, from one *Macellus*, whose house had stood there, *Varr. de L.* iv. 32. Those who frequented this place, are enumerated, *Ter. Eun.* ii. 2. 25.

V. PORTICUS, or piazzas, were among the most splendid ornaments of the city. They took their names either from the edifices to which they were annexed; as, *Porticus Concordiæ*, *Apollinis*, *Quirini*, *Herculis*, *Theatri*, *Circi*, *Amphitheatri*, &c. or from the builders of them; as, *Porticus Pompeia*, *Livia*, *Octavia*, *Agrippæ*, &c. used chiefly for walking in or riding under covert, *Ovid. Art. am.* i. 67.; *Cic. Dom.* 44. See p. 426.

In porticos, the senate and courts of justice were sometimes held, *Appian. bell. civ.* ii. p. 500. Here also

so those who sold jewels, pictures, or the like, exposed their goods.

Upon a sudden shower, the people retired thither from the theatre, *Vitruv.* v. 9. Soldiers sometimes had their tents in porticos, *Tacit. hist.* i. 31. There authors recited their works, *Juvenal.* i. 12. philosophers used to dispute, *Cic. Orat.* ii. 20.; *Propert.* ii. 33. 45.; particularly the stoics; whence their name, (from *στοα*, *porticus*), because Zeno, the founder of that sect, taught his scholars in a portico at Athens, called *Pocile*, (*ποικίλη*, *varia*, *picla*), adorned with *various* pictures, particularly that of the battle of Marathon, *Cic. Mur.* 29.; *Pers.* iii. 53.; *Nep. Milt.* 6. So *Chryssippi porticus*, the school of, *Horat. Sat.* ii. 3. 44. See p. 416.

Porticos were generally paved, (*pavimentata*), *Cic. dom.* 44.; *2 fr.* iii. 1.; supported on marble pillars, *Senec. ep.* 115. and adorned with statues, *Ovid. Fast.* v. 563.; *Trist.* iii. 1. 59.; *Propert.* ii. 23.; *Suet. Aug.* 31.

VI. COLUMNÆ, (*στυλαὶ* vel *στόλοι*), columns or pillars properly denote the props or supports, (*fulcra*) of the roof of a house, or of the principal beam on which the roof depends, (*columen*); but this term came to be extended to all props or supports whatever, especially such as are ornamental, and also to those structures which support nothing, unless perhaps a statue, a globe, or the like.

A principal part of architecture consists in a knowledge of the different form, size, and proportions of columns.

Columns are variously denominated from the five different orders of architecture, *Doric*, *Ionic*, *Corinthian*, *Tuscan*, and *Composite*, i. e. composed of the other four orders.

The base or bottom of a pillar is called its pedestal, (*stylobates*, vel *-ta*), the top, its chapter or capital, (*epistylum*), and the straight part, its shaft, (*scapus*.)

Various pillars were erected at Rome in honour of great men, and to commemorate illustrious actions,

Plin. xxxiv. 5.; thus, COLUMNA ÆNEA, a brazen pillar, on which a league with the Latins was written, *Liv.* ii. 33. COLUMNA ROSTRATA, a column adorned with figures of ships, in honour of Duilius, in the *Forum*; *see p.* 369; of white marble, *Sil.* vi. 663.; still remaining with its inscription; another in the Capitol erected, by M. Fulvius, the Consul, in the second Punic war, *Liv.* xlii. 20. in honour of Cæsar, consisting of one stone of Numidian marble, near twenty feet high, *Suet. Jul.* 85.; of Galba, *Id. G.* 23.

But the most remarkable columns were those of Trajan and Antoninus Pius.

Trajan's pillar was erected in the middle of his *Forum*, composed of twenty four great stones of marble, but so curiously cemented, as to seem but one. Its height is 128 feet; according to Eutropius 144 feet, viii. 5. It has in the inside 185 steps for ascending to the top, and forty windows for the admission of light.

The whole pillar is incrusted with marble, on which are represented the warlike exploits of that Emperor and his army, particularly in *Dacia*. On the top, was a Colossus of Trajan, holding in his left hand a sceptre, and in his right, an hollow globe of gold, in which his ashes were put.

The pillar of Antoninus was erected to him by the senate after his death, 176 feet high, the steps of ascent 106, the windows 56. The sculpture and other ornaments were much of the same kind with those of Trajan's pillar, but the work greatly inferior.

Both these pillars are still standing, and justly reckoned among the most precious remains of antiquity. Pope Sixtus V. instead of the statues of the Emperors, caused the statue of St Peter to be erected on Trajan's pillar, and of Paul on that of Antoninus.

The Romans were uncommonly fond of adorning their houses with pillars, *Cic. Verr.* i. 55. &c.; *Horat. od.* ii. 18.; *Juvenal.* vii. 182.

A tax seems to have been imposed on pillars, called
COLUMNARIUM,

COLUMNARIUM, *Cic. Att.* xiii. 6. ; *Cæs. B. C.* iii. 28. f. 32.

There was a pillar in the *Forum*, called *Columna Mania*, from C. Mænius, who having conquered the Antiates, A. U. 417. placed the brazen beaks of their ships on the tribunal in the *Forum*, from which speeches were made to the people; hence called *ROSTRA*; See p. 79. *Plin.* xxxiv. 5. f. 11.

Near this pillar, slaves and thieves, or fraudulent bankrupts, used to be punished, *Cic. Cluent.* 13. Hence insignificant idle persons, who used to saunter about that place, were called *COLUMNARII*, *Cic. Fam.* viii. 9.; as those who loitered about the *Rostra* and courts of justice were called *SUBROSTRANI*, *Cic. Fam.* viii. 1.; and *SUBBASILICARII*, *Plaut. Capt.* iv. 2. 35.; comprehended in the *Turba forensis*, or *plebs urbana*, which Cicero often mentions.

VII. *ARCUS TRIUMPHALES*, arches erected in honour of illustrious Generals, who had gained signal victories in war; several of which are still standing. They were at first very simple; built of brick or hewn-stone; of a semi-circular figure; hence called *FORNICES* by Cicero. *Verr.* i. 7. ii. 63; but afterwards more magnificent, built of the finest marble, and of a square-figure, with a large arched-gate in the middle, and two small ones on each side, adorned with columns and statues, and various figures done in sculpture.

From the vault of the middle-gate, hung little winged images of victory, with crowns in their hands, which when let down, they put on the victor's head as he passed in triumph. This magnificence began under the first Emperors; hence Pliny calls it *NOVICIUM INVENTUM*, xxxiv. 6. f. 12.

VIII. *TROPEÆA*, trophies, were spoils taken from the enemy, and fixed up on any thing; as signs or monuments of a victory, (*α τροπή*, *fuga*), erected (*posita* vel *statuta*), usually in the place where it was gained, and consecrated to some divinity, with an inscription, *Virg. Æn.* xi. 5. iii. 288.; *Ovid. Art. Am.* ii. 744.;

Tacit. Ann. ii. 22. ; *Curt.* vii. 7. viii. 1. ; used chiefly among the ancient Greeks, who for a trophy decorated the trunk of a tree with the arms and spoils of the vanquished enemy, *Stat. Theb.* ii. 707. Those who erected metal or stone were held in detestation by the other states, *Cic. de Invent.* ii. 23. nor did they repair a trophy when it decayed, to intimate, that enmities ought not to be immortal, *Plutarch. quæst. Rom.* 36. ; *Diod. Sic.* 13.

Trophies were not much used by the Romans, who, *Florus* says, never insulted the vanquished, iii. 2. They called any monuments of a victory by that name, *Cic. Arch.* 7. ; *Dom.* 37. ; *Pis.* 38. ; *Plin. paneg.* 59. Thus the oak tree, with a cross-piece of wood on the top, on which Romulus carried the spoils of Acron king of the Cæninenfes, is called by *Plutarch* τροπαίον ; by *Livy*, i. 10. FERULUM.

Tropæum is also put by the poets for the victory itself, *Horat. od.* ii. 9. 19. ; or the spoils, *Virg. G.* iii. 32.

There are two trunks of marble, decorated like trophies, still remaining at Rome, which are supposed by some to be those said to have been erected by Marius over *Jugurtha*, and over the *Cimbri* and *Teutoni*, *Suet. Jul.* 11. ; *Val. Max.* vi. 9. 14. But this seems not to be ascertained.

IX. AQUÆDUCTUS ; See p. 427. Some of them brought water to Rome from more than the distance of sixty miles, through rocks and mountains, and over vallies, *Plin.* xxxvi. 15. ; supported by arches in some places above 100 feet high, one row being placed above another. The care of them anciently belonged to the Censors and Ædiles ; afterwards certain officers were appointed for that purpose by the Emperors, called CURATORES AQUARUM, with 720 men, paid by the public, to keep them in repair, divided into two bodies, (*familia*) ; the one called PUBLICA, first instituted by Agrippa, under Augustus, consisting of 260 ; the other,

ther, *FAMILIA CÆSARIS*, of 460, instituted by the Emperor Claudius, *Frontin. de Aqued.*

The slaves employed in taking care of the water, were called *AQUARII*, *Cic. Fam. viii. 6.* *AQUARIA PROVINCIA*, is supposed to mean the charge of the port of Ostia, *Cic. Vat. 5.*; *Mur. 8.*

A person who examined the height from which water might be brought, was called *LIBRATOR*, *Plin. ep. x. 50. 69.*; the instrument by which this was done, *AQUARIA LIBRA*, *Vitruv. viii. 6.*; hence *locus pari libra cum equore maris est*, of the same height, *Columel. viii. 17.* *Omnes aquæ diversâ in urbem librâ perveniunt*, from a different height, *Frontin. i. 18.* So *turres ad libram factæ*, of a proper height, *Cæs. B. C. iii. 40.* *Locus ad libellam æquus*, quite level, *Varr. de R. R. i. 6.*

The *Curator* or *præfektus aquarum* was invested by Augustus with considerable authority, *Suet. Aug. 37.*; attended without the city by two *Lictors*, three public slaves, an architect, secretaries, &c. *Frontin.*; hence under the later Emperors, he was called *CONSULARIS AQUARUM*, *l. i. C. de Aqued.*

According to P. Victor, there were twenty aqueducts in Rome, but others make them only fourteen. They were named from the maker of them, the place from which the water was brought, or from some other circumstance; thus, *AQUA Claudia*, *Appia*, *Cimina*, *Felix*, *Virgo*, &c.

X. CLOACÆ, (a *CLUO* vel *conluo*, i. e. *purgo*, *Fest.* & *Plin.*) sewers, drains or sinks, for carrying off the filth of the city into the Tiber; first made by *Tarquinius Priscus*, *Liv. i. 38.*; extending under the whole city, and divided into numerous branches; the arches which supported the streets and buildings were so high and broad, that a wain loaded with hay, (*vehis*, v. *es seni largè onusta*), might go below, and vessels sail in them: Hence *Pliny* calls them *operum omnium dictu maximum, suffossis montibus, atque urbe pensili, subterque navigatâ*, xxxvi. 13. There were in the streets at proper distances, openings for the admission of dirty water,

ter, or any other filth, *Horat. Sat. ii. 3. 242.* which persons were appointed always to remove, and also to keep the *Cloacæ* clean, *Plin. ep. x. 41.* This was the more easily effected by the declivity of the ground, and the plenty of water with which the city was supplied, *Plin. xxxvi. 15.*

The principal sewer with which the rest communicated, was called *CLOACA MAXIMA*, the work of Tarquinius Superbus, *Liv. i. 56.* Various *cloacæ* were afterwards made, *Liv. xxxix. 44.*

The *Cloacæ* at first were carried through the streets, (*per publicum ductæ*) ; but by the want of regularity in rebuilding the city, after it was burnt by the Gauls, they in many places went under private houses, *Liv. v. 55.*

Under the republic, the Censors had the charge of the *Cloacæ*, but under the Emperors, *CURATORÈS CLOACARUM* were appointed, and a tax imposed for keeping them in repair, called *CLOACARIUM*, *Ulpian.*

XI. VIÆ.—The public ways were perhaps the greatest of all the Roman works, made with amazing labour and expence, extending to the utmost limits of the empire, from the pillars of Hercules to the Euphrates, and the southern confines of Egypt.

The Carthaginians are said first to have paved (*stravisse*) their roads with stones ; and after them, the Romans, *Isid. xv. 16.*

The first way which the Romans paved, (*muniverunt*), was to Capua ; first made by Appius Claudius the censor, the same who built the first aquæduct, A. U. 441, *Liv. ix. 29.* ; *Eutrop. ii. 4.* ; afterwards continued to Brundisium, *Horat. ep. i. 18. 20.* ; *Sat. i. 5.* ; *Tacit. Ann. ii. 30.* ; about 350 miles, but by whom is uncertain, called *REGINA VIARUM*, *Stat. Sylv. ii. 2. 11.* ; paved with the hardest flint, so firmly, that in several places, it remains entire to this day, above 2000 years ; so broad, that two carriages might pass one another, commonly however not exceeding fourteen feet. The stones were of different sizes, from one to five feet every

very way, but so artfully joined, that they appeared but one stone. There were two *strata* below; the first *stratum* of rough stones cemented with mortar, and the second of gravel; the whole about three feet thick.

The roads were so raised as to command a prospect of the adjacent country. On each side, there was usually a row of larger stones, called *MARGINES*, a little raised, for foot passengers; hence the roads were said *MARGINARI*, *Liv. xli. 27.*

Sometimes roads were only covered with gravel, (*glareâ*), with a foot-path of stone on each side, *Ibid.*

Augustus erected a gilt pillar in the *Forum*, called *MILLIARIUM AUREUM*, *Plin. iii. 5.; Tacit. hist. i. 73.; Suet. Oth. 6.;* from which the miles were reckoned along all the public roads, to the limits of the empire, and marked on stones; hence *LAPIS* is put for a mile; thus, *ad tertium lapidem*, the same with *tria millia passuum ab urbe*, *Plin. xv. 18.; Liv. xxvi. 10.* At smaller distances, there were stones for travellers to rest on, and to assist those who alighted to mount their horses, *Plutarch. in Gracch.*

The public ways were named either from the persons who first laid them out, or the places to which they led; thus, *VIA APPIA*; and near it, *Via NUMICIA*, which also led to *Brundisium*.

Via AURELIA, along the coast of Etruria; *FLAMINIA* to Ariminum and Aquileia; *CASSIA*, in the middle betwixt these two, through Etruria to Mutina, *Cic. Phil. xii. 9.; Cat. ii. 4.* *ÆMILIA*, which led from Ariminum to Placentia, *Liv. xxxix. 2.*

Via PRÆNESTINA, to *Præneste*; *TIBURTINA*, vel *TIBURS*, to *Tibur*, *Horat. Sat. i. 6. 108.;* *OSTIENSIS*, to Ostia; *LAURENTINA*, to *Laurentum*, *Plin. ep. ii. 16.;* *SALARIA*, so called, because by it the *Sabines* carried salt from the sea, *Festus.;* *Martial. iv. 64. 18.;* *LATINA*, &c.

The principal roads were called *PUBLICÆ*, vel *MILITARES*, *consulares*, vel *pratoriæ*; as among the Greeks, *βασιλικαί*, i. e. *regiæ*; the less frequented roads, *PRIVATE*,

PRIVATÆ, *agrariæ*, vel *vicinales*, quia ad agros et vicinos ducunt, Ulpian.

From the principal ways, there were cross-roads, which led to some noted place, to a country *villa*, or the like, called *DIVERTICULA*, *Suet. Ner.* 48.; *Serv. ad Æn.* ix. 379.; which word is put also for the inns along the public roads, *Liv.* i. 51.; *Donat. in Ter. Eun.* iv. 2. 7.; hence for a digression from the principal subject, *Liv.* ix. 17.; *Juvenal.* xv. 72.

But places near the road where travellers rested, (*quod diverterent ad requiescendum*), are commonly called *DIVERSORIA*, whether belonging to a friend, the same with *Hospitia*, *Cic. Fam.* vi. 19.; or purchased on purpose, *Id.* vii. 23.; or hired, (*meritoria*), then properly called *CAUPONÆ*, *Horat. ep.* i. 11. 12.; or *TABERNÆ DIVERSORIÆ*, *Plaut. Truc.* iii. 2. 29.; and the keeper, (*Institor*), of such a place, of an inn or tavern, *CAUPO*; those who went to it, *DIVERSORES*, *Cic. Inven.* i. 4.; *Divin.* 27.: Hence *commorandi natura diversorium nobis, non habitandi dedit*, *Id.* *Sen.* 23.

In later times, the inns or stages along the roads, were called *MANSIONES*; commonly at the distance of half a day's journey from one another; See p. 348. and at a less distance, places for relays, called *MUTATIONES*, where the public couriers, (*publici cursores*, vel *VEREDarii*), changed horses.

These horses were kept in constant readiness, at the expence of the Emperor, but could only be used by those employed on the public service, without a particular permission notified to the inn-keepers by a *diploma*, *Plin. ep.* x. 14. 121. The Romans had no public posts, as we have.

Near the public ways, the Romans placed their sepulchres; See p. 467.

The streets of the city were also called *VIAE*, the cross-roads, *VIAE TRANSVERSÆ*, *Cic. Verr.* iv. 53.; thus, *Via SACRA*, *Horat. Sat.* i. 9.; *NOVA*, *Ovid. Fast.* vi. 395. &c.; paved with flint, *Juvenal.* iii. 270.; yet usually dirty, *Id.* 247.; *Mart.* vii. 60. 6. v. 23. 6.

The

The Roman ways were sometimes dug through mountains, as the grotto of Puzzoli, *Crypta Puteolana*, betwixt *Puteoli* and Naples; and carried over the broadest rivers by bridges, (hence *facere pontem in fluvio*; *fluvium ponte jungere*, vel *committere*; *pontem fluvio imponere*, *indere* vel *inijicere*.)

The ancient bridges of Rome were eight in number: 1. *Pons SUBLICIUS*, vel *Æmilius*, so called, because first made of wood, (from *publicæ*, stakes, *Liv. i. 33.*); and afterwards of stone by *Æmilius Lepidus*; some vestiges of it still remain at the foot of Mount Aventine: 2. *Pons FABRICIUS*, which carried to an isle in the Tiber, (*insula*): And 3. *CESTIUS*, which led from the island: 4. *SENATORIUS*, vel *Palatinus*, near mount Palatine; some arches of it are still standing: 5. *Pons JANICULI*, vel *-aris*, so named, because it led to the *Janiculum*, still standing: 6. *Pons TRIUMPHALIS*, which those who triumphed, passed in going to the Capitol; only a few vestiges of it remain: 7. *Pons ÆLIUS*, built by *Ælius Hadrianus*; still standing; the largest and most beautiful bridge in Rome: 8. *Pons MILVIUS*, without the city; now called *Ponte molle*.

There are several bridges on the *Anio* or *Teverone*; the most considerable of which is *Pons NARSIS*, so called, because rebuilt by the Eunuch Narses, after it had been destroyed by Totila, king of the Goths.

About sixty miles from Rome on the Flaminian way, in the country of the Sabines, was *Pons NARNIENSIS*, which joined two mountains, near Narnia, or Narni, over the river Nar, built by Augustus, of stupendous height and size; vestiges of it still remain, one arch entire, above 100 feet high.

But the most magnificent Roman bridge, and perhaps the most wonderful ever made in the world, was the bridge of Trajan over the Danube; raised on twenty piers of hewn-stone, 150 feet from the foundation, sixty feet broad, and 170 feet distant from one another, extending in length about a mile. But this stupendous

pendous work was demolished by the succeeding Emperor Hadrian, who ordered the upper part and the arches to be taken down, under pretext that it might not serve as a passage to the Barbarians, if they should become masters of it; but in reality, as some writers say, through envy; because he despaired of being able to raise any work comparable to it. Some of the pillars are still standing.

There was a bridge at Nîmes (*Nemaufum*) in France, which supported an aquæduct over the river Gardon, consisting of three rows of arches; several of which still remain entire, and are esteemed one of the most elegant monuments of Roman magnificence. The stones are of an extraordinary size, some of them twenty feet long; said to have been joined together, without cement, by ligaments of iron. The first row of arches was 438 feet long; the second, 746; the third and highest, 805; the height of the three from the water, 182 feet.

In the time of Trajan, a noble bridge was built over the Tagus, or Tayo, near Alcantara in Spain; part of which is still standing. It consisted of six arches, eighty feet broad each, and some of them 200 feet high above the water, extending in length 660 feet.

The largest single arched bridge known, is over the river Elaver, or Allier, in France, called *Pons veteris Brivatæ*, near the city Brioude, in Avergne, from *Briva*, the name of a bridge among the ancient Gauls. The pillars stand on two rocks, at the distance of 195 feet. The arch is eighty-four feet high above the water.

Of temporary bridges, the most famous was that of Cæsar over the Rhine, constructed of wood, *Cæs. B. G. iv. 17.*

The Romans often made bridges of rafts or boats, joined to one another, *Cæs. B. G. i. 12. viii. 14.; Flor. iii. 5.;* and sometimes of empty casks or leathern bottles, *Herodian. viii.; Zozim. iii.; Lucan. iv. 420.;* as the Greeks, *Xenoph. Cyr. iii.*

The

The limits which Augustus set to the Roman Empire, and in his testament, advised his successors not to go beyond, *Tacit. Ann. i. 11.* were the Atlantic ocean on the west, and the Euphrates on the east; on the north, the Danube and the Rhine; and on the south, the cataracts of the Nile, the deserts of Africa and Mount Atlas; including the whole Mediterranean sea, and the best part of the then known world. So that the Romans were not without foundation, called RERUM DOMINI, *Virg. Æn. i. 282.*; and Rome, LUX ORBIS TERRARUM, ATQUE ARX OMNIUM GENTIUM, *Cic. Cat. iv. 6.*; TERRARUM DEA GENTIUMQUE Roma, CUI PAR EST NIHIL, ET NIHIL SECUNDUM, *Mart. xii. 8.*; CAPUT ORBIS TERRARUM, *Liv. i. 16. xxi. 30.*; CAPUT RERUM, *Tacit. hist. ii. 32.*; DOMINA ROMA, *Horat. od. iv. 14. 44.*; PRINCEPS URBIUM, *Id. iii. 13.*; REGIA, *Ep. i. 7. 44.*; PULCHERRIMA RERUM, *Virg. G. ii. 534.*; MAXIMA RERUM, *Æn. vii. 602.*

Agreeably to the advice of Augustus, few additions were made to the empire after his time. Trajan subdued Dacia, north of the Danube, and Mesopotamia and Armenia, east of the Euphrates, *Eutrop. viii. 2.* The south of Britain was reduced by Ostorius under Claudius, and the Roman dominion was extended to the frith of Forth and the Clyde, by Agricola, under Domitian, *Tacit. Agric. 23.* But what is remarkable, the whole force of the empire, although exerted to the utmost under Severus, one of its most warlike princes, could not totally subdue the nation of the Caledonians, whose invincible ferocity in defence of freedom, at last obliged that Emperor, after granting them peace, to spend near two years in building, with incredible labour, a wall of solid stone, twelve feet high, and eight feet thick, with forts and towers, at proper distances, and a rampart and ditch, from the Solway frith to the mouth of the Tyne, above sixty-eight miles, to repress their inroads, *Eutrop. viii. 19.*; *Victor. & Spartian. in Vita Severi*; *Cassiodor. Chronic.*



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E R R A T A.

<i>Page.</i>	<i>line.</i>	
6	29	dele <i>Cavea</i> or
266	15	thus, <i>decuria</i> , &c. to Gell. xiv. 2. <i>should</i> <i>have been inserted in next paragraph, af-</i> <i>ter different orders.</i>
282	14	for γλαυχ read γλαυξ
311	18	for and read end
337	11	for twenty-seven read twenty-five
482	8	for a νομος vel read vel a νομος
485	15	for ferratii read ferrati
524	10	dele never
528	last line	read equal breadth.

F I N I S.

